108.

SUPREME COURT OF THE UNITED STATES,

No. 104.

THE YORK AND MARYLAND LINE RAILROAD COMPANY, PLAINTIFF IN ERROR,

vs.

ROSS WINANS.

IN ERROR TO THE CIRCUIT COURT, U. S., FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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Gideon, printer.

Writ of error.

UNITED STATES OF AMERICA, *ss.*

The President of the United States, to the honorable judges of the circuit court of the United States, for the eastern district of Pennsylvania, greeting:.

Because in the record and proceedings of a plea which is in the said circuit court before you, between Ross Winans, &c., plaintiff, and the York and Maryland Line Railroad Company, defendants, No. 12, April session, 1851, of said court, and in the proceedings thereupon, particularly in the charge of the court, a manifest error hath happened to the great damage of the said York and Maryland Line Railroad Company, as by their complaint appears; we being willing that error, if any hath been, should be duly corrected, and full and speedy justice done to the parties in this behalf, do command you, if a decree be therein given, that then under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme court of the United States, together with this writ; so that you have the same at Washington on the first Monday of December next, in the said Supreme Court to be then and there held, that the record and proceedings aforesaid being inspected, the said Supreme Court may cause further to be done therein, to correct that error, what of right and according to the laws and customs of the United States should be done.

Witness the honorable Roger B. Taney, chief justice of the said Supreme Court, this twenty-sixth day of April, in the year of our Lord one thousand eight hundred and fifty-two.

GEORGE PLITT,
Clerk of the circuit court of the United States,
for the eastern district of Pennsylvania.

Allowed by J. K. KANE, *U. S. Judge.*

UNITED STATES OF AMERICA,
Eastern district of Pennsylvania, ss.

In obedience to the foregoing writ I herewith transmit to the Supreme Court of the United States a full and complete transcript of the record and proceedings of the circuit court of the United States, for the eastern district of Pennsylvania, in the third circuit, in a certain suit therein determined in favor of Ross Winans, a citizen of the State of Maryland, plaintiff, against the York and Maryland Line Railroad Company, citizens of the State of Pennsylvania, defendants.

Witness my hand and the seal of the said court at Philadelphia, this twenty-fourth day of July, A. D. 1852, and in the seventy-seventh year of the independence of the said United States.

[SEAL.]

GEORGE PLITT,
Clerk circuit court.

Citation.

The United States of America, to Ross Winans, greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden at Washington on the first Monday of December next, pursuant to a writ of error filed in the clerk's office of the circuit court of the United States, for the eastern district of Pennsylvania, wherein the York and Maryland Line Railroad Company are plaintiffs in error, and you are defendant in error, to show cause, if any there be, why the decree rendered against the said plaintiffs in error, as in the said writ of error mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness the honorable John K. Kane, a judge of the circuit court of the United States, for the third circuit, this twenty-sixth day of April, A. D. one thousand eight hundred and fifty-two.

[SEAL.]

J. K. KANE, *U. S. Judge.*

Acceptance of service of citation.

I accept service of the above citation for Ross Winans, defendant in error.

ST. GEO. T. CAMPBELL,
Of counsel.

April 28, 1852.

Pleas before the honorable the judges of the circuit court of the United States, for the eastern district of Pennsylvania, in the third circuit, of April session, 1851, No. 12.

It is thus contained:

Declaration.

In the circuit court of the United States, in and for the eastern district of Pennsylvania, of April sessions, 1851.

EASTERN DISTRICT OF PENNSYLVANIA, *ss.*

Ross Winans, of Baltimore, in the State of Maryland, a citizen of said State of Maryland, by St. George T. Campbell, his attorney, complains of the York and Maryland Line Railroad Company, which was summoned to answer the plaintiff in a plea of trespass on the case, for that the plaintiff was the original and first inventor of a certain new and useful improvement in the letters patent hereinafter mentioned and fully described; the same being a new and useful improvement in the construction of cars or carriages intended to run on railroads, which improvement was not known or used before the said invention, and which was not, at the time of his application for a patent, as hereinafter mentioned, in public use or on sale with his consent or allowance. And the plaintiff, being the inventor thereof as aforesaid, and being also a

citizen of the United States, on the first day of October, A. D. 1834, upon due application therefor, did obtain certain letters patent therefor in due form of law, under the seal of the United States, and signed by the then President thereof, viz., Andrew Jackson, and by the then Secretary of State, viz., John Forsyth, and then also duly certified and signed by the Attorney General of the United States, viz., B. F. Butler, and bearing date the day and year aforesaid; whereby there was secured to him, his heirs, administrators, executors, or assigns for the term of fourteen years from and after the date of the patent, the full and exclusive right and liberty of making, using, and vending to others to be used, the said invention, as by the said letters patent, in court to be produced, will fully appear.

And the plaintiff further avers that, afterwards, viz., on the twenty-fifth day of September, A. D. 1848, the said plaintiff presented his petition to the acting Commissioner of Patents, viz., Henry H. Sylvester, who, thereupon, as such commissioner, afterwards, by his certificate, dated on the day and year last aforesaid, renewed and extended the said patent for the term of seven years, from and after the expiration of the term aforesaid, viz., from and after the first day of October, A. D. 1848, as by the said certificate, sealed with the seal of the Patent office of the United States, and signed by the acting Commissioner of Patents, viz., the said Henry H. Sylvester, and to the court now shown, will fully appear.

And the said plaintiff further saith, that from the time of granting to him of the said letters patent, and of the said extension thereof, he has made, used, and vended to others to be used, the said improvement, to his great advantage and profit; yet the said defendants, well knowing the premises, but contriving to injure the plaintiff, did, on the day and year last aforesaid, and at divers times afterwards, during the said term of seven years for which the same was renewed as aforesaid, and before the commencement of this suit at the district aforesaid, unlawfully and wrongfully, and without the consent or allowance, and against the will of the plaintiff, did make and use, and vend to others to be used, the said improvement, in violation and infringement of the exclusive right so secured to the plaintiff by the said letters patent and extension as aforesaid, and contrary to the form and effect of the acts of Congress in such case made and provided.

And the plaintiff further saith that the defendants, well knowing the several premises, but further contriving and intending as aforesaid, after the making and obtaining of the letters patent, and the extension thereof as aforesaid, and within the said term of seven years for which the same was so extended, viz., on the day and year last aforesaid, and on divers other days afterwards, and before the commencement of this suit, wrongfully and unjustly, and without the leave or license, and against the will of the plaintiff, and contrary to the acts of Congress in such case made and provided, did imitate, in part, and make a certain addition to the said improvement, to the use, benefit, and enjoyment whereof the plaintiff was, and is, entitled as aforesaid, in breach of said

letters patent, and of the said extension thereof, and in violation and infringement of the exclusive right and privilege so secured to the plaintiff as aforesaid, and contrary to the form of the acts of Congress in such case made and provided; by means of the committing of which said several grievances, by the said defendants as aforesaid, the said plaintiff is greatly injured, and hath lost and been deprived of divers great gains and profits which he might, and otherwise would, have derived from the said invention and improvement, in the said letters patent described and set forth, and in respect whereof he was, and is, entitled to such privilege as aforesaid, and has sustained actual damage to the amount of ten thousand dollars; and, by force of the act aforesaid, an action hath accrued to him to recover the said actual damage, and such additional amount, not exceeding in the whole three times the amount of such actual damages, as the court may see fit to order and adjudge; yet the said defendant, though requested, has never paid the same, or any part thereof, to the plaintiff, but hath refused and yet refuses so to do.

Plea of defendants.

And thereupon the said defendants, by their attorney, Isaac Hazlehurst, esq., come and defend the force and injury, &c., and say, that they are in no wise guilty of the trespass aforesaid, as the said plaintiff hath alleged against them; and of this they put themselves upon the country, &c., and the said plaintiff doth the like.

Jury.

Therefore let a jury thereupon come before the judges aforesaid, at Philadelphia aforesaid, on the fifth day of April, A. D. one thousand eight hundred and fifty-two, by whom, &c., who neither, &c., to recognise, &c., because as well, &c.

On which said 5th day of April, A. D. 1852, come the parties aforesaid, by their attorneys aforesaid, and the jurors of the jury aforesaid being called, likewise come, to wit: Joseph Wallace, James J. Kennedy, Henry Hahs, James Paul, Isaac Adams, James Galliner, Jas. Welsh, Cornelius Forshee, John Hamilton, Lot Rogers, Thomas O'Brien, and Joseph Weiley, who are duly empannelled, returned, chosen, tried, and sworn, or affirmed, to speak the truth of the matter within contained.

Bill of exceptions.

Be it remembered, that, in the April sessions, A. D. 1851, came Ross Winans into the circuit court of the United States, for the eastern district of Pennsylvania, and impleaded the York and Maryland Line Railroad Company, in a certain plea of trespass on the case, &c., in which the said plaintiff declared (prout narr.) and the said defendant pleaded, (prout pleas,) and thereupon issue was joined between them.

And afterwards, to wit, at a session of said court held at the city of Philadelphia, before the Hon. John K. Kane, district judge of the

United States, in and for the eastern district of Pennsylvania, on Wednesday, the seventh day of April, 1852, the aforesaid issue between the said parties came to be tried by a jury of the said district, for that purpose duly empannelled, (prout list of jurors.) At which day came as well the said plaintiff as the said defendant, by their respective attorneys; and the jurors of the jury aforesaid, empannelled to try the said issues, being also called, came, and were then and there in due manner chosen, and sworn, or affirmed, to try the said issues. And upon the trial the counsel of the said plaintiff produced in evidence letters patent from the United States to plaintiff, for a "patent improvement in construction of railroad cars," issued 1st October, 1834, extended 25th September, 1848, (prout the patent and certificate of extension, hereto annexed, marked A.) The defendants' counsel admitted that 19 passenger cars and 65 burden cars, constructed in accordance with the plaintiff's patent, run over their road. The plaintiff then offered the charter of defendants, dated 14th March, 1832, (pamphlet laws, Pa., p. 120,) (prout copy hereto annexed, marked G.)

The counsel of the said plaintiff called as a witness James Mulholland, who testified—

I am a machinist; I am employed on Philadelphia and Reading railroad; have been employed 12 or 15 years on railroads, and was in the employ of the Baltimore and Susquehannah Railroad Company nine or ten years. Have passed over defendants' track frequently; track has some curves; shortest radius of its curves, I should think, some 700 or 800 feet. Some cars on that line were built in Baltimore. The maximum of speed I should suppose from 20 to 25 miles an hour when I was there, now increased to about 30 miles. I have been the machinist, since 1st August, 1848, of Reading Railroad Company. Could not run with safety four-wheel cars at that rate; present rate of speed in the north is from 30 to 40 miles per hour, perhaps a little more as a maximum speed. Advantages of eight-wheel cars is, they are much easier on the road, and more pleasant to passengers, and safe. Chief cause of expense is wear and tear of road and machinery, chiefly produced by inequalities in the road; there is a great difference in concussion on the road, and in their lateral motion, between eight and four-wheel cars. As to the value of eight-wheel cars to a company running passengers at 30 miles per hour, I would consider eight-wheel cars almost indispensable for the safety of passengers and car, and their comfort; if you had two roads side by side, and used on one four and on the other eight-wheeled cars, a passenger would ride but once over four-wheel road; the four-wheel road would not exist for a great while; $100 a year I should not think enough for the use of a car of 8 wheels.

Cross examined.

I was employed before 1848 by Baltimore and Susquehanna Railroad Company; had charge of their machine shop part of the time, and, until within the last two or three years, had charge of repairs of roads

and bridges; left them in 1848. Mr. Winan's then resided in Baltimore; he furnished wheels for our cars; I presume some of them were used under eight-wheeled cars. Do not remember his making trucks while I was there prior to 1848. He has made many wheels for the company; don't know how many; he was in the habit of visiting our shop in Baltimore very seldom. Can't speak positively of seeing him in any of our cars; do not recollect to have seen him. Rate of travel of coal cars is 10 miles per hour, but others go at 15 or 16 miles per hour. On Pennsylvania railroad four-wheel cars are much used; they are not attached to different trains from eight-wheel cars; they run with same train; consequence of this is, they are more apt to be thrown off the track; but they are used to go in small depots. The Reading Railroad Company built one eight-wheel car for an express car, instead of a four-wheeled car formerly used, on account of its getting off the track; four-wheel cars are abandoned in rapid trains; have not seen four-wheeled cars on fast train on that road.

The counsel for plaintiff then called G. A. Nicolls as a witness, who testified—

I have been civil engineer for 17 years; connected with Philadelphia and Reading railroad for the whole time. Have been on the line of road, leaving York to Maryland line, once in going to Harrisburg; the rate of travel on passenger train varied in speed according to grades—down grades maximum speed was from 30 to 35 miles. I should think that would not be judicious in a four-wheel car to run at that rate; it would be unsafe. The value of eight over four-wheel cars is hard to answer; on the defendants' road, to carry passengers and to run at the rate of 40 miles, eight-wheel cars are indispensable to safety; $100 per year, under the same circumstances, he could not say was too high a value. The cause of expense was the wear and tear of the road; eight-wheel cars diminish it; in freight trains less, but some. Difference in damage to road, in reference to freight cars, would depend on circumstances; on Reading railroad we would cheerfully pay $10 a year for the use of the eight-wheel freight car.

Cross examined.

We use eight-wheel cars for both passengers and freight; used them since the road commenced in 1838. We use Mr. Winan's cars. We use, I think, 26 eight-wheel cars on Reading railroad; I think this includes all cars running in passenger trains. Length of railroad is 93 miles, exclusive of a branch of five miles; over all, except six miles, we use those cars—over 92 miles. We do not use eight-wheel cars for coal; we should if we commenced the road again.

The counsel for plaintiff then called J. D. Steele as a witness, who testified—

I have been engaged on railroads 22 years, and have been for five years on Philadelphia and Reading railroad, having charge of road way department. I believe my judgment confirms the statement just made

by Mr. Nicolls and Mulholland. Chief cause of expense in railroads is concussions; these are reduced by eight-wheel cars. Eight wheels are indispensable to the safety of passengers; I agree with Mr. Nicolls' statements in reference to the freight cars—the greater the speed of the cars, the greater is the saving of the eight-wheel car.

Not cross examined.

The counsel for the plaintiff then called John Edgar as a witness, who testified—

I was first connected with railroads in 1829 and 1830. I reside in Baltimore; am acquainted with Mr. Winan's car; had experience in running on railways by observation, as to saving per mile in the run of eight-wheel cars over four-wheel cars; I made an estimate as to saving in wear and tear of machinery and road—I have found it worth in passenger cars $\frac{1}{2}$ cent per mile, and in freight cars $\frac{1}{4}$ cent per mile for each car.

James Mulholland recalled—

I now remember plaintiff made some trucks for us before 1848; not long before I left; the company had made some trucks before.

The counsel for plaintiff then called John H. Alexander as a witness, who testified—

I am a civil engineer, and am familiar with Mr. Winan's cars and transportation. Eight-wheel car adapts itself to curves better; less shock to car, less wear and tear to road. I have computed, from all elements, the relative value of eight and four-wheel cars—the eight-wheel car has $2\frac{1}{3}$ times the value over the four-wheel car as to advantage.

The evidence for the plaintiff here closed.

The counsel for defendant then called as a witness Robert S. Hollins, who testified:

I am secretary of the defendant's company, and of the Baltimore and Susquehanna Railroad Company, and have been so since 1836 and 1836; defendant's company [were] incorporated in 1832, I think, to extend from borough of York, (NE. line,) to Maryland State line, 21 miles; Baltimore and Susquehanna company were incorporated in 1837; defendant's line completed in 1838, and opened then for travel; the capital stock of defendant's company was subscribed by the Baltimore and Susquehanna Railroad Company; capital stock $199,000 paid in; the amount of the loan I don't recollect, but a copy of the last annual statement of legislature refreshes my recollection, amounted to $335,444 11; it has not been paid; we give the defendant's company credit with $\frac{1}{3}$ of all the nett receipts between Baltimore and York; the expenses of running are deducted before division is made; there was a resolution passed by the Baltimore and Susquehanna Railroad Company; this is record book of defendant's company, and contains that resolution, (prout copy of record book hereto annexed, marked B;) there has been a regular credit account kept in blotter by myself, and a regular annual statement to the legislature; this is the legislative document

in the form of defendant's annual return, (prout said statement, copies of which are hereto annexed, marked C;) the York and Maryland line company have no cars, no locomotives, and never had; the cars that pass over it belong to Baltimore and Susquehanna Railroad Company, to various individuals, and cars of Cumberland Valley company; and during the repairs of Conestoga bridge the Pennsylvania railroad cars passed over; there are besides 68 8-wheel baggage cars belonging to us, about as many more baggage cars belonging to others that pass over defendant's road; all toll for cars passing over defendant's road is received by Baltimore and Susquehanna Railroad Company, and credited in the manner described; the cars which go over the Baltimore and Susquehanna railroad go over the defendant's road; the plaintiff made trucks for 4 passenger cars in 1847, to run over defendant's road; the trucks were for four wheels; I know that 4-wheel burden cars have been run on defendants' road, but not 4-wheel passenger cars; their baggage cars run at 12 to 15 miles an hour; we carry with one passenger train 1 or 2 4-wheel market cars; the average speed 20 to 25 miles an hour; plaintiff has travelled over the road; he has not brought suit against the Baltimore and Susquehanna Railroad Company in Baltimore, but has threatened to do so.

The Baltimore and Susquehanna cars that run over defendants' road are built at our shop; defendants have never owned any; never had control of any that pass over their road; control is too strong a word; the defendants would have control if they saw mismanagement; they have confidence in the Baltimore and Susquehanna Railroad Company; the Baltimore and Susquehanna Railroad Company hold all the stock of the York and Maryland Line road, and transfer shares to those whom they wish to elect directors.

Cross examined.

Report of the Baltimore and Susquehanna company for 1849, published in 1850, exhibited; facts there stated are true, as are also the facts in report for 1848, published in 1849, (prout copies annexed, marked D;) president of Baltimore and Susquehanna Railroad Company is Robert M. Magraw; same president to defendants' company; I am the secretary; there is the same secretary to both; the York and Maryland Line company have no clerks; the clerks of Baltimore and Susquehanna company make records for the York and Maryland Line company; defendants' books are kept in the office of the Baltimore and Susquehanna company, at Baltimore; election for directors is held in the borough of York; this is the transfer book of defendants' company, (prout copy hereto annexed, marked E;) election is held third Monday in October; the only transfers are made just before election, to make directors, or re-transfers after ceasing to be directors; the Baltimore and Susquehanna Railroad Company owning all the stock of the York and Maryland Line Railroad Company; the officers and stockholders of the two companies are the same; Mr. Magraw is president of the Wrightsville, York, and Gettysburg road; we have an arrange-

by Mr. Nicolls and Mulholland. Chief cause of expense in railroads is concussions; these are reduced by eight-wheel cars. Eight wheels are indispensable to the safety of passengers; I agree with Mr. Nicolls' statements in reference to the freight cars—the greater the speed of the cars, the greater is the saving of the eight-wheel car.

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The evidence for the plaintiff here closed.

The counsel for defendant then called as a witness Robert S. Hollins, who testified:

I am secretary of the defendant's company, and of the Baltimore and Susquehanna Railroad Company, and have been so since 1836 and 1836; defendant's company [were] incorporated in 1832, I think, to extend from borough of York, (NE. line,) to Maryland State line, 21 miles; Baltimore and Susquehanna company were incorporated in 1837; defendant's line completed in 1838, and opened then for travel; the capital stock of defendant's company was subscribed by the Baltimore and Susquehanna Railroad Company; capital stock $199,000 paid in; the amount of the loan I don't recollect, but a copy of the last annual statement of legislature refreshes my recollection, amounted to $335,444 11; it has not been paid; we give the defendant's company credit with $\frac{1}{3}$ of all the nett receipts between Baltimore and York; the expenses of running are deducted before division is made; there was a resolution passed by the Baltimore and Susquehanna Railroad Company; this is record book of defendant's company, and contains that resolution, (prout copy of record book hereto annexed, marked B;) there has been a regular credit account kept in blotter by myself, and a regular annual statement to the legislature; this is the legislative document

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The Baltimore and Susquehanna cars that run over defendants' road are built at our shop; defendants have never owned any; never had control of any that pass over their road; control is too strong a word; the defendants would have control if they saw mismanagement; they have confidence in the Baltimore and Susquehanna Railroad Company; the Baltimore and Susquehanna Railroad Company hold all the stock of the York and Maryland Line road, and transfer shares to those whom they wish to elect directors.

Cross examined.

Report of the Baltimore and Susquehanna company for 1849, published in 1850, exhibited; facts there stated are true, as are also the facts in report for 1848, published in 1849, (prout copies annexed, marked D;) president of Baltimore and Susquehanna Railroad Company is Robert M. Magraw; same president to defendants' company; I am the secretary; there is the same secretary to both; the York and Maryland Line company have no clerks; the clerks of Baltimore and Susquehanna company make records for the York and Maryland Line company; defendants' books are kept in the office of the Baltimore and Susquehanna company, at Baltimore; election for directors is held in the borough of York; this is the transfer book of defendants' company, (prout copy hereto annexed, marked E;) election is held third Monday in October; the only transfers are made just before election, to make directors, or re-transfers after ceasing to be directors; the Baltimore and Susquehanna Railroad Company owning all the stock of the York and Maryland Line Railroad Company; the officers and stockholders of the two companies are the same; Mr. Magraw is president of the Wrightsville, York, and Gettysburg road; we have an arrange-

ment with the York and Harrisburg road; we work it with our power, and get two thirds of receipts of passengers and mails, and ½ of all toll on all burthen cars; we give the Wrightsville road the same tolls as are charged by canal commissioners; the cost of repairing cars is paid by defendant, and defendant receives ⅓ of profits; they pay ⅓ of expenses of horse power in Baltimore; defendants pay ⅓ of salary of president of Baltimore and Susquehanna Railroad Company.

In settling account between the Baltimore and Susquehanna Railroad Company and York and Maryland Line Company we ascertain the gross receipts and deduct all expenses attending those gross receipts, and give credit to the York and Maryland Line Company for one-third of the balance; the building of cars is not charged as an expense of transportation, but the repairs of cars are charged as an expense of transportation; the York and Maryland Line Company pay ⅓ of the expense of repairing the cars, and receive ⅓ of the profits from their running; the item of expense of locomotives, deducted as a joint expense, includes cost of making locomotives; York and Maryland Line Company are charged with cost of one-third of fuel, ⅓ of repairs of the whole road from York to Baltimore, one-third of expenses for horses, the greater part of which is incurred in the city of Baltimore, ⅓ of the insurance on cars, ⅓ of conductors' and engineers' wages who run the cars; the York and Maryland Line Company keep no bank book or cash book; the nett receipts of transportation, $97,929, was disbursed as set forth in report exhibited, (prout copy hereto annexed, marked E;) the York and Maryland Line Company never declared any dividend; if they were to declare one it would be for the Baltimore and Susquehanna Company, and that company would distribute it; there are 65 8-wheel burthen cars and 19 passenger cars which pass over the York and Maryland Line road; the York and Maryland Line Company pay ⅓ of all expenses of those cars, ⅓ of their losses, and ⅓ of wages of persons running them.

The York and Maryland Line Company keep no books but these two, viz., record and transfer book. There was a suit brought against the Baltimore and Susquehanna Company, in equity, in Pennsylvania, by Mr. Winans. I was examined as a witness in a suit brought by Mr. Winans, in New York, in reference to this car. I stated I could not run a 4-wheel car as fast as we run 8-wheel cars of the same length.

The defendants then offered in evidence the following:

Extract from proceedings of a meeting of the President and Directors of the York and Maryland Line Railroad Company, held on Monday, 27th January, 1840.

"The president laid before the board a resolution passed by the board of directors of the Baltimore and Susquehanna Railroad Company, as follows:

"Resolved, That if the York and Maryland Line Railroad Company assent to the arrangement, that company be credited by this with

one-third of the nett revenue from transportation; such amount to be credited to account of the interest and principal due from the former to the latter company; this agreement to be in force only during the pleasure of the two companies, and to be rescinded at any time by either of them."

The defendants then offered in evidence the charter of the Baltimore and Susquehanna railroad, and particularly section 15.

(Act of assembly of March 18, 1835, pamphlet laws, chapter 241.)

"And be it enacted, That before any payment shall be made to the said company, under the provisions of this act, the said treasurer shall be satisfied that the legislature of the commonwealth of Pennsylvania hath passed an act for the incorporation of a company to construct a railroad from the Maryland line to the borough of York, and hath granted full power and authority for the construction of said railrail; and also that the said company hath been duly organized, according to the provisions of the charter of incorporation; and also that the tolls and revenues of the said road, to be completed from the Maryland line to the borough of York, shall be fully and sufficiently pledged to the State of Maryland, to indemnify her against loss on the loan to be made to the said company in virtue of this act; and the said treasurer shall be satisfied that the said Baltimore and Susquehanna Railroad Company shall have full power and authority to subscribe, in its own name, or the name of its agent or agents, for stock in the railroad company incorporated as aforesaid, or to acquire the stock thereof at its par value; and full powers for that purpose is hereby given by this State, so far as it is competent for this State to confer the same."

The defendants then offered in evidence an extract from their charter, as contained in section 3d, as follows:

—"taking and holding to them and their successors and assigns, in fee simple, or any less estate, all such lands, tenements, hereditaments, goods, chattels, and all estate, real, personal, or mixed, of what kind or quality soever, as shall be necessary to them in the prosecution of their works, and the same from time to time to sell, mortgage, grant, alien, or dispose of, and to make dividends of such portions of the profits as they may deem proper."

Judge Kane's charge to the jury.

And thereupon the judge charged the jury as follows:

The validity of the plaintiff's title as patentee has not been controverted, and the infringement being also admitted, or, at least, not disputed before you, the only questions in the cause are: 1. Are the present defendants responsible for the infraction? And, 2. If so, what is the damage actually sustained by the plaintiff, by reason of the infraction?

1. On the first of these questions there is no conflicting evidence. The Baltimore and Susquehannah Railroad Company is the proprietor of all the stock of the corporation, which is defendant, and being so

owner, it indirectly exercises all the powers, and receives all the benefits, which it could claim to exercise and enjoy directly, if the two companies were under one and the same charter. The road on which the infraction has been committed is held under a Pennsylvania charter to the corporation defendant; the cars which have committed the infraction belong to the other company, chartered by Maryland; the profits accruing from the use of these cars upon the road, or, in other words, the profits of the infraction, are divided nominally between the two companies.

Such being the facts, the court instructs you that the plaintiff is entitled to recover against the present defendants, whether they are to be regarded as the partners of the Maryland corporation, or whether the relation between the two is more correctly that of principal and agent; in either view the legal result is the same. The action being in tort, the recovery may be against one partner for the act of both, or against either principal or agent for an act done in pursuance of that relation.

2. The question of damages is peculiarly for the jury. You will seek to ascertain the amount of damages actually sustained by the plaintiff, not including such as may have been consequential and remote, nor swelling them by reference to the expenses of litigation. You are not to punish but to compensate; to give the amount of actually sustained damage fairly and fully estimated. Two modes of making this estimate have been suggested: 1. At the time when this suit was brought, nineteen passenger cars and sixty freight cars were in use, in violation of the plaintiff's patent. Engineers have sworn before you that the value of a license per annum is, for a passenger car $100, and for a freight car $10. I am not aware, however, that it is in evidence that the number of cars has been constant during the six years preceding the commencement of this suit. You may perhaps recal enough to allow you to fix the number proximately; or, as the defendants have not shown, as they might have done, what was the exact number at different times, you are authorized to infer that the number has not varied considerably. This is a legitimate mode of estimating the plaintiff's damages, for he may be regarded as having sustained an actual loss of the sum which the defendants have received from the use of his property. 2. The other mode of estimating them is by reference to the calculations of an engineer who was examined before you, and who had satisfied himself that there was a saving of half a cent on each passenger car, and a quarter of a cent on each freight car, for every mile run. We know the length of the road, but we do not know how often the different cars traversed it. This mode of estimation fails us, therefore, for want of the necessary elements, and we are referred back to the first as the only one which can give us a result.

The case is left, with these instructions, for your guidance.

Verdict of the jury.

And now the jury aforesaid, upon their oaths and affirmations afore-

said, respectively do say, that they find in favor of the plaintiff, and assess the damages at five thousand four hundred dollars with costs.

And thereupon it is considered by the court here, that the said plaintiff do recover against the said defendants, as well the said sum of five thousand four hundred dollars, the amount of the verdict aforesaid, as also the sum of for his costs and charges about his suit in that behalf expended, to the said plaintiff by the court here adjudged, &c.

Exhibit A.

The schedule referred to in these letters patent, and making part of the same, containing a description, in the words of the said Ross Winans himself, of his improvement in the construction of cars or carriages, intended to run upon railroads.

To all whom it may concern:

Be it known that I, Ross Winans, civil engineer, of the city of Baltimore, in the State of Maryland, have invented a new and useful improvement in the construction of cars or carriages, intended to travel upon railroads; which improvement is particularly adapted to passenger cars, as will more fully appear by an exposition of the difficulties heretofore experienced in the running of such cars at high velocities; which exposition I think it best to give in this specification, for the purpose of exemplifying the more clearly the object of my said improvement.

In the construction of all railroads in this country, which extend to any considerable distance, it has been found necessary to admit of lateral curvatures, the radius of which is sometimes but a few hundred feet; and it becomes important, therefore, so to construct the cars, as to enable them to overcome the difficulties presented by such curvatures, and to adapt them for running with the least friction practicable, upon all parts of the road. The friction to which I now allude is that which arises from the contact between the flanches of the wheels and rails, which, when it occurs, causes a great loss of power, and a rapid destruction of, or injury to, both the wheels and the rail, and is otherwise injurious. The high velocities attained by the improvements made in locomotive engines, and which are not only sanctioned but demanded by public opinion, render it necessary that certain points of construction and arrangement, both in the roads and wheels, which were not viewed as important at former rates of travelling, should now receive special attention. The greater momentum of the load, and the intensity of the shocks and concussions, which are unavoidable even under the best constructions, are among those circumstances which must not be neglected, as the liability to accident is thereby not only greatly increased, but the consequences to be apprehended much more serious.

The passenger and other cars in general use upon railroads have four wheels, the axles of which are placed from three and a half to five feet apart; this distance being governed by the nature of the road upon

which they run, and other considerations. When the cars are so constructed that the axles retain their parallelism, and are at a considerable distance apart, there is a necessary tendency in the flanches of the wheels to come into contact with the rails, especially on the curvatures of least radius, as the axles then vary more from the direction of the radii. From this consideration, when taken alone, it would appear to be best to place the axles as near to each other as possible; thus causing them to approach more nearly to the direction of the radii of the curves, and the planes of the wheels to conform to the line of the rails. There are, however, other circumstances which must not be overlooked in their constructions.

I have already alluded to the increased force of the shocks from obstructions at high velocities, and, whatever care may be taken, there will be inequalities in the rails and wheels, which, though small, are numerous, and the perpetual operation of which produces effects which cannot be disregarded. The greater the distance between the axles, while the length of the body remains the same, the less is the influence of these shocks or concussions; and this has led, in many instances, to the placing them in passenger cars, at or near their extreme ends. Now, however, a compromise is most commonly made between the evils resulting from a considerable separation and a near approach, as, by the modes of construction now in use, one of the advantages must be sacrificed to the other.

But it is not to the lateral curvatures and inequalities of the road alone that the foregoing remarks apply. The incessant vibration felt in travelling over a railroad is mainly dependant upon the vertical motion of the cars in surmounting those numerous, though minute obstructions, which unavoidably exist. The nearer the axles are placed to each other, the greater is the effect of this motion upon the passengers, and the greater its power to derange the machinery and road. It becomes very important, therefore, both as regards comfort, safety, and economy, to devise a mode of combining the advantages derived from placing the axles at a considerable distance apart, with those of allowing them to be situated near to each other. It has been attempted, and with some success, to correct the tendency of the flanches to come into contact with the rails, on curved and other parts of the road, by making the tread of the wheel conical; and if the travelling upon railroads was not required to be very rapid, this would so far prove an effectual corrective, as the two rails would find diameters upon the wheels, which would correspond with the difference in length, the constant tendency to deviation being as constantly counteracted by this construction; but at high velocities the momentum of the body in motion tends so powerfully to carry it in a right line, as to cause the wheel on the longer rail to ascend considerably above that part of the cone which corresponds therewith; the consequence of this is a continued serpentine motion, principally, but not entirely, in a lateral direction; nor is this confined to the curved parts of the road, but it exists to an equal or greater extent upon those which are straight, especially when the axles are near

to each other, the irregularities, before spoken of, constantly changing the direct course of the wheels, whilst there is no general curvature of the rails to counteract it. To avoid this effect, and the unpleasant motion and tendency to derangement consequent upon it, an additional motive is furnished for placing the axles at a considerable distance apart. The object of my invention is, among other things, to make such an adjustment or arrangement of the wheels and axles, as shall cause the body of the car or carriage to pursue a more smooth, even, direct, and safe course, than it does as cars are ordinarily constructed, both over the curved and straight parts of the road, by the before mentioned desideratum of combining the advantages of the near and distant coupling of the axles, and other means to be hereinafter described. For this purpose I construct two bearing carriages, each with four wheels, which are to sustain the body of the passenger or other car, by placing one of them at or near each end of it, in a way to be presently described. The two wheels on either side of the carriages are to be placed very near to each other; the spaces between their flanches need be no greater than is necessary to prevent their contact with each other. These wheels I connect together by means of a very strong spring, say double the usual strength employed for ordinary cars, the ends of which spring are bolted, or otherwise secured, to the upper sides of the boxes, which rest on the journals of the axles; the longer leaves of the springs being placed downwards and surmounted by the shorter leaves. Having thus connected two pairs of wheels together, I unite them into a four-wheel bearing carriage, by means of their axles and a bolster of the proper length, extending across, between two pairs of wheels, from the centre of one spring to that of the other, and securely fastened to the tops of them. This bolster must be of sufficient strength to bear a load upon its centre of four or five tons. Upon this first bolster I place another of equal strength, and connect the two together by a centre pin, or bolt, passing down through them, and thus allowing them to swivel or turn upon each other, in the manner of the front bolster of a common road wagon. I prefer making these bolsters of wrought or cast iron; wood, however, may be used. I prepare each of the bearing carriages in precisely the same way. The body of the passenger or other car I make of double the ordinary length of those which run on four wheels, and capable of carrying double their load. This body I place so as to rest its whole weight upon the two upper bolsters of the two before mentioned bearing carriages or running gear. I sometimes place these bolsters so far within the ends of the body of the car, as to bring all the wheels under it; and, in this case, less strength is necessary in the car body than when the bolster is situated at its extreme ends. In some cases, however, I place the bolster so far without the body of the car, at either end, so as to allow the latter to hang down between the two sets of wheels or bearing carriages, and to run, if desired, within a foot of the rails.

When this is done, a strong frame work projects out from either end of the car or carriage body, and rests upon the upper bolsters of the two

bearing carriages. This last arrangement, by which the body of the car is hung so low down, manifestly affords a great security to the passengers, exempting them, in a great degree, from those accidents to which they are liable when the load is raised. Several bodies may be connected or rest on a common frame, and be supported on the bearing carriage, in a manner similar to that of a single body. When the bolsters of the bearing carriages are placed under the extreme ends of the body, the relief from shocks and concussions, and from lateral vibrations, is greater than it is when the bolsters are placed between the middle and the ends of the body, and this relief is not materially varied by increasing or diminishing the length of the body, while the extreme ends of it continue to rest on the bolsters of the bearing cars, the load supposed to be equally distributed over the entire length of the body.

Although I prefer the use of a single spring to a pair of wheels, as above described, instead of the ordinary spring to each wheel, and consider it *a* more simple, cheap, and convenient than any other arrangement, the end which I have in view may, nevertheless, be obtained by constructing the bearing carriages in any of the modes usually practised, provided that the fore and hind wheels of each of them be placed very near together; because the closeness of the fore and hind wheels of each bearing carriage, taken in connexion with the use of two bearing carriages coupled remotely from each other as can conveniently be done for the support of one body, with a view to the objects and on the principles herein set forth, is considered by me as a most important feature of my invention; for by the contiguity of the fore and hind wheels of each bearing carriage, while the two bearing carriages may be at any desirable distance apart, the lateral friction from the rubbing of the flanches against the rails is most effectually avoided, whilst, at the same time, all the advantages attendant upon placing the axles of a four-wheel car far apart are thus obtained. The bearing of the load on the centre of the bolster, which also is the centre of each bearing carriage, likewise affords great relief from shocks occasioned by the percussion of the wheels on protuberant parts of the rails or other objects, and from the vibrations consequent to the use of coned wheels; as the lateral and vertical movements of the body of the car, resulting from the above causes, are much diminished. The two wheels on either side of one of the bearing carriages may, from their proximity, be considered as acting like a single wheel, and as these two bearing carriages may be placed at any distance from each other, consistent with the required strength of the body of the car, it is evident that all the advantage is obtained which results from having the two axles of a four-wheeled car at a distance from each other, whilst its inconveniences are avoided. Another advantage of this car, compared with those in common use, and which is viewed by me as very important, is the increased safety afforded by it to passengers, not only from the diminished liability to breakage, or derangement in the frame work, but also from the less disastrous consequences to be apprehended from the breaking of a wheel, axle, or other part of the

running gear, as the car body depends for its support and safety upon a greater number of wheels and bearing points on the road. I do not claim as my invention the running of cars or carriages upon eight wheels, this having been previously done; not, however, in the manner or for the purposes herein described, but merely with a view of distributing the weight, carried more evenly upon a rail or other roads, and for objects distinct in character from those which I have had in view, as herein before set forth. Nor have the wheels, when thus increased in number, been so arranged and connected with each other, either by design or accident, as to accomplish this purpose. What I claim, therefore, as my invention, and for which I ask a patent, is the before described manner of arranging and connecting the eight wheels, which constitute the two bearing carriages with a railroad car, so as to accomplish the end proposed by the means set forth, or by any others which are analogous and dependent upon the same principles.

ROSS WINANS.

Witnesses—G. BROWN,
JNO. H. B. LATROBE.

Diagram of Car.

Fig. 1—Side view of an eight-wheel car.
Fig. 2—End view of the same.
Fig. 3—Upper and lower bolster detached from the body and bearing carriage.

A A—Represents the body of the car resting on the bearing carriages B and C, as exhibited at D D, on pivots equidistant from the wheels of each bearing carriage.

H—Represents an upper bolster of cast iron, separate from the body of the car, with its pivot X corresponding with the socket Y in the lower bolster E, also shown as separate from the bearing carriage.

Whereas, upon the petition of Ross Winans, of Baltimore, Md., for an extension of the within patent granted to the said Ross Winans on the first day of October, 1834, the undersigned, acting commissioner of patents, under the 18th section of the act of Congress, approved the 4th day of July, 1836, entitled "an act to promote the progress of the useful arts, and to repeal all acts heretofore made for that purpose," and the act approved 27th May, 1848, entitled "an act to provide additional examiners in the Patent office, and for other purposes," did, on the 25th day of September, 1848, certify that said patent ought to be extended.

Now, therefore, I, Henry H. Sylvester, acting commissioner of patents, by virtue of the power vested in me by said acts of Congress, do renew and extend said patent, and certify that the same is hereby extended for the term of seven years, from and after the expiration of the first term, viz., the first day of October, 1848; which certificate on the petition of the applicant, together with this certificate of the acting Commissioner of Patents, having been duly entered of record in the Patent office, the said patent now has the same effect in law as though the same had been originally granted for the term of twenty-one years.

In testimony whereof I have caused the seal of the Patent office to be hereunto affixed, this twenty-fifth day of September, in the year of our Lord one thousand eight hundred and forty-eight, and of the independence of the United States the seventy-third.

[SEAL]

HENRY H. SYLVESTER,
Acting Commissioner of Patents.

Exhibit B.—Record book of the York and Maryland Line Railroad Company.

We, whose names are hereunto subscribed, do promise to pay to the President and Managers of the York and Maryland Line Railroad Company the sum of fifty dollars, for every share of stock set opposite to our respective names, in such manner and proportions, and at such times, as shall be determined by the president and managers of the said company, in pursuance of an act of the general assembly of this Commonwealth, entitled "an act to incorporate the York and Maryland Line Railroad Company."

Witness our hands this 11th day of June, in the year of our Lord one thousand eight hundred and thirty-two.

George Small & Son,	paid	$25, 5 shares.
Philip Smyser	paid	10, 2 shares.
Davis & Gartner	paid	10, 2 shares.
John Evans	paid	10, 2 shares.

This book having been kept open for six days successively, in the manner prescribed by the act of incorporation, and the requisite number of shares not having been subscribed, commissioners adjourned. And now, March 20th, 1835, in pursuance of adjournment, the books are again opened at Thomas McGrath's, and such public notice given as the occasion required, by Jacob Emmit and Charles A. Barnitz, two commissioners, when the following subscriptions are made, under the above heading, viz:

Alexander Nisbet, by Jas. Howard	1	share
John Smith Hollins	1	"
James Howard	1	"
J. H. Hodges, by Jas. Howard	1	"
Robert Purviance " "	1	"
John Spear Smith " "	1	"
Charles Howard " "	1	"
Robert S. Hollins " "	1	"
John Kelso " "	1	"
James B. Stansberry "	1	"
Thomas Finley " "	1	"
John Scott " "	1	"
George Winchester " "	1	"
Sheppard C. Leakin "	1	"
Balt. and Susque'h Railroad Company, by J. Smith Hollins, pres't pro tem.	3975	"

True copy from original subscription book of the commissioners.
ROBT. S. HOLLINS.

At a meeting of the directors of the York and Maryland Line Railroad Company held in the city of Baltimore, Tuesday, the 19th May, 1835; present, James Howard, Alexander Nisbet, Charles Howard, John H. Hodges, J. Smith Hollins, Robert Purviance, Sheppard C. Leakin, Thomas Finley, John Kelso, James B. Stansberry, and Robert S. Hollins.

On motion, James Howard was called to the chair, and Robert S. Hollins appointed secretary.

The following certificate of the election of directors was then read, viz:

In pursuance of public notice given in the York Gazette and Pennsylvania Republican, newspapers published in the borough of York, York county, Pennsylvania, for five successive weeks prior to the day of meeting; and in pursuance of the act of assembly of the Commonwealth of Pennsylvania, passed the fourteenth day of March, eighteen hundred and thirty-two, entitled "an act to incorporate the York and Maryland Line Railroad Company," and the several supplements thereto, Jacob Emmit, Charles A. Barnitz, George Small, Jacob Loumaster, Peter Ahl, Charles Weiser, William Patterson, Joseph Osborn, Michael Doudell, George S. Morris, James Schall, and Henry Snyder, commissioners appointed by said act of assembly, met at the court-house, in the borough of York, between the hours of one and three o'clock, p. m., on Saturday, the 15th day of May, eighteen hundred and thirty-five, and held an election for twelve directors for said company, to conduct the business of said company until the third Monday of October next, at which Jacob A. Fisher and Calvin Mason, esquires, were appointed and acted as judges, and duly sworn as such; whereupon the said judges received and counted the votes, upon which it appeared that James Howard, Alexander Nisbet, J. Smith Hollins, John H. Hodges, John Spear Smith, Charles Howard, John Kelso, Robert S. Hollins, Thomas Finley, Sheppard C. Leakin, Robert Purviance, and James B. Stansberry were duly elected directors of said railroad company until the third Monday of October next.

Witness our hands at York aforesaid, this sixteenth day of May, eighteen hundred and thirty-five.

(Signed) JACOB A. FISHER,
(Signed) CALVIN MASON.

It was then moved to proceed to the election of a president, when John Kelso and John H. Hodges were appointed tellers, who, on receiving and counting the ballots, reported Alexander Nisbet unanimously elected. Robert S. Hollins, Secretary.

(Signed) JAS. HOWARD, *Chairman*.

The board then organized; present, Alexander Nisbet, president, J. Smith Hollins, Charles Howard, Robert S. Hollins, S. C. Leakin,

James Howard, J. H. Hodges, John Kelso, Thomas Finley, Robert Purviance, James B. Stansberry.

On motion, James Howard was appointed treasurer.

On motion, the President was directed to purchase the necessary books, &c., &c.; and it was

Resolved, That the President inform the commissioners of the organization of the board, and request the subscription to the stock of the company, to be deposited to the credit of James Howard, treasurer, in the York bank.

The board then adjourned, to meet on the call of the President.

Tuesday, 2d June, 1835.

Board met; present—

James Howard, J. Smith Hollins, S. C. Leakin, John Kelso, Chas. Howard, Jas. B. Stansberry, J. H. Hodges, R. Purviance, Thomas Finley.

In the absence of the President, James Howard was called to the chair.

The board proceeded to fix the salary of the President, and established the same at the rate of four hundred dollars per annum, inclusive of all expenses.

It was resolved, That the funds to the credit of this company, amounting to $3,930, be loaned to the Baltimore and Susquehanna Railroad Company during the pleasure of this board.

The board then proceeded to fill the vacancy occasioned by the appointment of Alexander Nisbet president, and on counting the ballots William G. Harrison appeared unanimously elected.

The board then adjourned.

Tuesday, June 9th, 1835.

Board met; present—

Alexander Nisbet, president, S. C. Leakin, Thomas Finley, J. S. Hollins, J. S. Smith, J. B. Stansbury, John Kelso, Chas. Howard, Robert S. Hollins.

On motion of Charles Howard, it was

Resolved, That there be appointed a secretary to the board with a salary at the rate of two hundred and fifty dollars per annum, to commence on the first inst.

Resolved, That the board proceed to ballot for a secretary.

The board then ballotted for a secretary, and on counting them, Robert S. Hollins was declared unanimously elected.

Tuesday, July 8th, 1835.

Board met; [present—]

Alexander Nisbet, president, C. Howard, J. H. Hodges, R. S. Hollins, James Howard, J. S. Hollins, Jas. B. Stansbury.

On motion of Mr. Charles Howard, it was

Resolved, That the President be requested to take immediate steps for procuring a relinquishment of a right of way from as many owners of land as practicable on all such routes from Baltimore to the Maryland line as may be thought advisable by the engineer.

Second, resolved, That the President take immediate measures for procuring a depot at York.

Tuesday, October 27, 1835.

Board met; present—

James Howard, John Kelso, Robert Purviance, Thomas Finley, W. G. Harrison, Charles Howard, J. Spear Smith, J. Smith Hollins, Robert S. Hollins.

James Hollins was appointed president pro tem.

On motion, it was resolved, that the secretary make the necessary preparations for the election of directors, to be held in the borough of York, on Thursday, the 5th of November.

Board adjourned.

Tuesday, November 17, 1835.

Board met; present—

Alex. Nisbet, president, James B. Stansbury, John Kelso, Robert Purviance, J. Spear Smith, J. S. Hollins, Charles Howard, W. G. Harrison, J. H. Hodges.

The secretary handed the following certificate of election of directors for the ensuing year:

Borough of York, Pa., *Nov.* 5, 1835.

At an election for directors of the York and Maryland Line Railroad Company, held, pursuant to the charter, at the house of Thomas McGrath, in the borough of York, on this day, Thursday, the fifth day of November, eighteen hundred and thirty-five, commencing at 10 o'clock and ending at 12 o'clock, by the undersigned judges, duly appointed to hold the same, the following gentlemen were duly elected: James Howard, Alex. Nisbet, J. Smith Hollins, John Kelso, Robert Purviance, W. G. Harrison, John Spear Smith, John H. Hodges, Charles Howard, Sheppard C. Leakin, Thomas Finley, James B. Stansbury.

(Signed) HENRY WELSH,
THOMAS McGRATH,
Judges.

Letters from Thomas McGrath, of York, dated 31st October, 13th and 16th September, were read, on the subject of the purchase of depots at York.

On motion of Mr. Charles Howard, it was

Resolved, That the Baltimore and Susquehanna Railroad Company be requested to pay the expenses incurred by this company for sur-

veys, officers' salaries, and purchase of depots, and to charge the same in account to this company.

Resolved, That the purchases of lots for a depot, made by Thomas McGrath, of York, be approved, and that the President be requested to forward him the amount of the purchase money.

Board then adjourned.

Tuesday, November 24, 1835.

Board met; present—

Alex. Nisbet, president, J. H. Hodges, James Howard, Charles Howard, Wm. G. Harrison, Thomas Finley, J. Spear Smith, J. S. Hollins.

Proceedings of last meeting read and approved.

A letter from Thomas McGrath, informing the company of purchases of certain lots in York, was read, and the purchases approved of.

On motion of Mr. C. Howard, it was

Resolved, That the President be requested, on behalf of this company, to join with the B. & S. R. R. Co. in a memorial to the legislature of Pennsylvania, praying for a union of the two companies under one charter.

Board then adjourned.

ROB. S. HOLLINS, *Sec'ry.*

Tuesday, January 19, 1836.

Board met; present—

Alex. Nisbet, president, John Kelso, J. Spear Smith, James Howard, William G. Harrison, Thomas Finley, Robert Purviance, John Smith Hollins.

Proceedings of last meeting read and approved.

Alexander Nisbet resigned as president of the company. The board then ballotted for a president, when Charles Howard was elected. Robert S. Hollins was appointed secretary.

The board then adjourned.

Teste: ROB. S. HOLLINS, *Sec'ry.*

Tuesday, January 26, 1836.

Board met; present, &c.

Proceedings of last meeting read and approved.

The following report to the legislature of Pennsylvania was adopted.

Tuesday, October 11, 1836.

Board met; present, &c., &c.

The proceedings of last meeting were read and approved.

On motion of Mr. Howard, the following was adopted:

Whereas contracts have been made for the whole of the line of the road, from the Maryland line to the borough of York, and payments

on account of the same having been made by the Baltimore and Susquehanna Railroad Company, therefore,

1st. Resolved, That the payments already made by the Baltimore and Susquehanna Railroad Company be hereby approved, and that they be authorized and requested to pay all future demands against this company, for graduation, masonry, sleepers, rails, damages, and the other contingencies of construction.

2d. Resolved, That the President be authorized to take all necessary steps to procure the right of way, and make payment when required.

On motion, Messrs. Thomas McGrath and Henry Welsh were appointed judges of the election of directors, to be held the 17th inst.

Board then adjourned.

Tuesday, October 24, 1836.

Board met; present, &c., &c.

The secretary handed to the board the following certificate of the election of directors:

We do certify, that, at an election held at the house of Thomas McGrath, in the borough of York, on the 17th October, 1836, for directors for the York and Maryland Line Railroad Company, the following gentlemen were duly elected, viz., J. H. Hodges, John S. Hollins, James Howard, Charles Howard, J. Spear Smith, Alex'r Nisbet, John Kelso, Sheppard C. Leakin, Robert Purviance, Thomas Finley, William G. Harrison, James B. Stansbury.

(Signed) HENRY WELSH,
THOS. McGRATH,
Judges of election.

Charles Howard was then elected president for the ensuing year.

Board then adjourned.

Tuesday, November 28, 1837.

Board met; present, &c.

The secretary handed in the following certificate of election of directors:

BOROUGH OF YORK, PA., *Oct.* 16, 1837.

At an election for directors of the York and Maryland Line Railroad Company, held, pursuant to the charter, at the house of Thomas McGrath, in the borough of York, on this day, Monday, the sixteenth day of October, eighteen hundred and thirty-seven, commencing at one o'clock and ending at six o'clock, by the undersigned judges, duly appointed to hold the same, the following gentlemen were elected, viz., Alex'r Nisbet, James Howard, John Smith Hollins, John H. Hodges, Robert Purviance, John Spear Smith, John Kelso, Thomas Finley, Sheppard C. Leakin, George Winchester, Wm. G. Harrison, Charles Howard.

HENRY WELSH,
THOMAS McGRATH,
Judges.

Charles Howard was, on motion, unanimously re-elected president.
Board adjourned. Teste.

Monday, October 8, 1838.

Board met; present, &c., &c.
Proceedings of last meeting were read and approved.
On motion, Messrs. Henry Welsh and Thomas McGrath were appointed judges of the election for directors, to be held in York, on Monday, 15th inst.
Board adjourned.

Monday, December 24, 1838.

Board met; present, &c., &c.
The secretary presented the following certificate of the election of directors:

BOROUGH OF YORK, PA., *Oct.* 15, 1838.

At an election for directors of the York and Maryland Line Railroad Company, held, pursuant to the charter, at the house of Thomas McGrath, in the borough of York, on this day, Monday, the fifteenth day of October, eighteen hundred and thirty-eight, commencing at ten o'clock, a. m., and ending at one o'clock, p. m., by the undersigned judges, appointed to hold the same, the following gentlemen were elected, viz., Alexander Nisbet, John S. Hollins, John Kelso, William G. Harrison, John H. Hodges, Sheppard C. Leakin, George Winchester, Robert Purviance, John Spear Smith, James Howard, Thos. Finley, George M. Gill.

(Signed) HENRY WELSH,
THOMAS McGRATH,
Judges.

On motion of Mr. Hollins, Charles Howard was unanimously elected president of the company for the ensuing year.
On motion of Mr. Finley, it was
Resolved, That forty-nine dollars per share, being the balance due on each share of the capital stock of the company, be called in, and payable, on or before Monday, the 31st instant, and that the amounts received therefrom be paid over to the Baltimore and Susquehanna Railroad Company.
Board adjourned.

Monday, January 28, 1839.

Board met; present, &c., &c.
The President submitted the following agreement between the Baltimore and Susquehanna Railroad Company, the York and Maryland Line Railroad Company, and the Wrightsville, York, and Gettysburg Railroad Company.

(For copy, see proceedings Baltimore and Susquehanna Railroad Company, &c.)

On motion of Mr. Gill, it was

Resolved, That the agreement be ratified and confirmed.

Board adjourned.

Wednesday, February 13, 1839.

Special meeting; present, &c., &c.

The President stated that this meeting had been called in consequence of the application of Judge Hinkle, on the part of the citizens of the borough of Hanover, for permission to make a connexion with the York and Maryland Line railroad, and, from that connexion, to communicate with York or Baltimore.

On motion of Mr. Hollins, the following was adopted:

Whereas this board have learned, with much gratification, that it is in contemplation to organize a company to construct a railroad from the borough of Hanover, to intersect the York and Maryland Line railroad, at some point in the neighborhood of Henry's mill: Therefore,

Resolved, That if such road be made, this board does hereby agree that the same may intersect and connect with the York and Maryland Line railroad, in such manner as will allow the cars to pass with facility from one road to the other.

Resolved, That the cars used on the Hanover railroad, if constructed in the same manner with those used on the York and Maryland Line railroad, or in such other manner as will, in the opinion of this board, fit them for running on said road without injury thereto, may be transported over the York and Maryland Line railroad, either by the locomotive engine of this company, or by those of any other company, corporation, or individuals, which may be authorized by this company to run engines on said road; and that this company will charge, for such use of their road or engines, the same ratio only as may at the time be charged to other corporations, companies, or individuals.

Board adjourned.

Saturday, October 12, 1839.

Board met; present, &c., &c.

The President called the attention of the board to the election of directors, to be held on the 21st instant.

On motion of Mr. Gill, it was

Resolved, That Messrs. Charles A. Barnitz and Thomas McGrath be appointed judges of the election of directors, to be held on Monday, 21st instant.

Board adjourned.

Wednesday, October 23, 1839.

Board met; present, &c., &c.

General Smith was called to the chair.

The following certificate of election was read:

BOROUGH OF YORK, STATE OF PA.,
October 21, 1839.

At an election for directors of the York and Maryland Line Railroad Company, held, pursuant to the charter, at the house of Thomas McGrath, in the borough of York, on this day, Monday, the 21st day of October, eighteen hundred and thirty-nine, commencing at ten o'clock, a. m., and ending at one o'clock, p. m., by the undersigned, judges appointed to hold the same, the following gentlemen were elected, viz., Alexander Nisbet, John S. Hollins, John Kelso, Robert Purviance, William G. Harrison, John S. Smith, John H. Hodges, James Howard, S. C. Leakin, George Winchester, Thomas Finley, George M. Gill.

(Signed) CHARLES A. BARNITZ,
THOMAS McGRATH,
Judges.

The above judges were duly sworn to perform their duty with fidelity, and according to law, before me, October 21st, 1839.

(Signed) JACOB GLESSNER,
Justice of the peace of the county of York.

On motion of Mr. Purviance, Charles Howard was unanimously re-elected president of the company for the ensuing year, and Robert S. Hollins was re-elected secretary.

Mr. Howard took the chair.

On motion of Mr. Smith, it was

Resolved, That this board will hereafter have regular meetings on the first Monday of each month, at ten o'clock, a. m.

Board adjourned.

Monday, November 4, 1839.

No quorum.

Monday, December 2, 1839.

No quorum.

Monday, January 6, 1840.

No quorum.

Monday, January 27, 1840.

Special meeting; present, &c., &c.

The proceedings of the last meeting were read and approved.

The President laid before the board a resolution passed by the board of directors of the Baltimore and Susquehanna Railroad Company, as follows:

Resolved, That if the York and Maryland Line Railroad Company assent to the arrangement, that company be credited by this with one-third of the nett revenue from transportation, such amount to be cred-

ited to account of the interest and principal due from the former to the latter company; this agreement to be in force only during the pleasure of the two companies, and to be rescinded at any time by either of them.

On motion of Mr. Winchester, it was

Resolved, That the arrangement proposed in the above resolution be, and the same *are* [is] hereby, assented to, and approved by this board.

Board adjourned.

Wednesday, October 14, 1840.

Special meeting; present, &c., &c.

On motion of Mr. Purviance, it was

Resolved, That Messrs. Charles A. Barnitz and Thomas McGrath be appointed judges of election of directors, to be held on Monday, 19th instant, and that, in the event of either of them not serving, the President be authorized to appoint another person to act, and to transfer a share of stock to such person.

Board adjourned.

Monday, May 3, 1841.

Board met; present, &c., &c.

The following certificate of election was read:

BOROUGH OF YORK, STATE OF PA.,
October 19, 1840.

At an election for directors of the York and Maryland Line Railroad Company, held, pursuant to the charter, at the house of John Welsh, in the borough of York, on this day, Monday, the 19th of October, 1840, commencing at ten o'clock, a. m., and ending at ten o'clock, p. m., by the undersigned, judges appointed to hold the same, the following gentlemen were elected, viz., Alexander Nisbet, John Kelso, Wm. G. Harrison, John H. Hodges, Sheppard C. Leakin, John S. Hollins, Robert Purviance, John Spear Smith, James Howard, Thomas Finley, George Winchester, George M. Gill.

(Signed) CHARLES A. BARNITZ,
THOMAS McGRATH,
Judges.

The above judges were duly sworn to perform their duties with fidelity, and according to law, before me, a justice of the peace of the county of York.

(Signed) JACOB GLESSNER.

John Spear Smith was appointed chairman.

On motion of Mr. Purviance, Charles Howard was unanimously elected president, and Robert S. Hollins was elected secretary.

Proceedings of last meeting read and approved.

The following report to the legislature was read:

To the honorable the General Assembly of the Commonwealth of Pennsylvania.

In obedience to the requisition of the act of the general assembly, passed at the session 1831–'32, No. 78, sec. 11, the York and Maryland Line Railroad Company respectfully submit their sixth annual report.

Statement of the receipts and expenditures of the York and Maryland Line Railroad Company, from its organization to the 30th September, 1840, exclusive of loans made to the company, and since repaid.

RECEIPTS.		
From capital stock	$199,195 00	
From loans from Balt. and Susquehanna R. R. Company	319,047 68	
From transportation, being one-third of nett receipts on this road and B. & S. R. R., to 30th September, 1837.	10,486 72	
From ditto, from Oct. 1st, 1839, to Sept. 30, 1840	12,362 68	
		$541,092 08
EXPENDITURES.		
For damages	$27,775 07	
For graduation, M. surveys, depots, &c.	484,811 76	
For salaries, president and secretary	5,665 85	
For payments to Baltimore and Susquehanna Railroad Company, on account of interest on loans, being the amount of transportation	22,849 40	
		$541,092 08

All transportation on the road has been done by the Baltimore and Susquehanna Railroad Company.

By agreement between the two companies, the York and Maryland Line Railroad Company is entitled to one-third of the nett revenue received by the Baltimore and Susquehanna Railroad Company, for transportation on the whole line of road from Baltimore to York. The amount of transportation on this line, from the 1st of October, 1837, to 30th September, 1840, inclusive, was—

From 36,162 passengers	$45,561 23
" 62,097,087 lbs. produce and merchandise	74,225 98
" United States mail	8,065 05
	$127,852 26
Deduct expenses of transportation	90,764 23
Total nett transportation	$37,088 03
York and Maryland Line Railroad Co's proportion	$12,362 68

(Signed) CHARLES HOWARD, *Pres't.*

STATE OF MARYLAND, *Baltimore city.*

On this 27th day of January, 1844, personally appeared before me, the subscriber, a justice of the peace in and for the city aforesaid, Chas. Howard, president of the York and Maryland Line Railroad Company, and made oath that the above report is just and true, to the best of his knowledge and belief. Sworn to before

(Signed) WM. B. JONES.

OFFICE YORK AND MARYLAND LINE R. R. Co.,
January 27, 1841.

SIR: I have the honor respectfully to transmit the report of this company to the legislature, in compliance with the provisions of its charter.

With great respect, your obedient servant,

(Signed) CHARLES HOWARD, *Pres't.*

Hon. CHAS B. PENROSE,
Speaker, Senate, Pennsylvania.

A letter similar to the above, and containing a copy of the same enclosure, was sent to William A. Crabb, speaker of the house of representatives, Pennsylvania.

Board adjourned.

Monday, October 11, 1841.

Special meeting; present, &c.

On motion of Mr. Purviance, it was

Resolved, That Messrs. Charles A. Barnitz and E. Chapin be appointed judges of election of directors, to be held on Monday, 18th instant.

Board adjourned.

Monday, June 6, 1842.

Board met; present, &c.

Proceedings of the last meeting read and approved.

The following certificate of election of directors was read:

BOROUGH OF YORK, STATE OF PA.,
October 18, 1841.

At an election for directors of the York and Maryland Line Railroad Company, held, pursuant to the charter, at the house of John Welsh, in the borough of York, on this day, Monday, the 18th October, 1841, commencing at ten o'clock, a. m., and ending at one o'clock, p. m., by the undersigned, judges to hold the same, the following gentlemen were elected, viz., Alexander Nisbet, John S. Hollins, John Kelso, Robert Purviance, William G. Harrison, John Spear Smith, John H. Hodges, James Howard, Sheppard C. Leakin, Thomas Finley, James Whiteford, James Wilson.

(Signed) CHAS. A. BARNITZ,
E. CHAPIN,
Judges.

The above judges were duly sworn to perform their duties with fidelity, and according to law, before me, a justice of the peace of the county of York.

(Signed) JACOB GLESSNER.

October 18, 1841.

On motion of Mr. Purviance, it was

Resolved, That Charles Howard be elected president, and Robert S. Hollins secretary, for the ensuing year.

The President submitted the following report to the legislature of Pennsylvania:

To the honorable the General Assembly of the Commonwealth of Pennsylvania.

In obedience to the requisition of the act of the general assembly, passed at their session, 1831–'32, No. 78, sec. 11, the York and Maryland Line Railroad Company respectfully submit their seventh annual report.

Statement of the receipts and expenditures of the York and Maryland Line Railroad Company, from its organization to the 30th September, 1841, exclusive of loans made to the company, since repaid.

Receipts.		
From capital stock	$199,195 00	
From loans from Baltimore and Susquehanna Railroad Company	328,095 64	
From transportation, being one-third of nett receipts on this road, and the Baltimore and Susquehanna R. R., to 30th September, 1839	10,486 72	
From ditto, to 30th September, 1840	12,362 68	
" " " " 1841	14,610 09	
		$564,750 13
Expenditures.		
For damages	$34,141 70	
For graduation, masonry, &c.	487,493 09	
For salaries, president and secretary	5,655 85	
For payments to Baltimore and Susquehanna Railroad Company, on account of interest on loans, being am't of transportation	37,459 49	
		$564,750 13

All transportation on the road has been done by the Baltimore and Susquehanna Railroad Company.

By agreement between the two companies, the York and Maryland Line Railroad Company is entitled to one-third of the nett revenue received by the Baltimore and Susquehanna Railroad Company for transportation on the whole line of road from Baltimore to York.

The amount of transportation on this line, from the 1st of October, 1840, to the 30th September, 1841, inclusive, was—

From 35,364 passengers - - - - - - -	$42,706 30
" 83,747,530 lbs. produce and merchandise - -	84,576 54
" United States mail - - - - - - -	7,483 87
	$134,766 71
Deduct expenses of transportation and office - -	90,936 42
Total nett transportation - - - - - - -	$43,830 29
York and Maryland Line Railroad Co's proportion, $\frac{1}{3}$	$14,610 09

(Signed) C. HOWARD, [L. S.]
President.

STATE OF MARYLAND,
Baltimore city.

On this 26th day of January, 1842, personally appeared before me, the subscriber, a justice of the peace in and for the city aforesaid, Charles Howard, president of the York and Maryland Line Railroad Company, and made oath that the above report is just and true to the best of his knowledge and belief.

Sworn to before
(Signed) J. WALSH, *J. P.*

OFFICE YORK AND MARYLAND LINE R. R. Co.,
January 26th, 1842.

SIR: I have the honor respectfully to transmit the report of this company to the legislature in compliance with the provisions of its charter.

With great respect, your obedient servant,
(Signed) CHARLES HOWARD, *President.*

Hon. JOHN STROHM,
Speaker Senate, Pennsylvania.

A letter similar to above, and containing a copy of the same enclosure, was sent to honorable James M. Snowden, speaker of the house of representatives.

Board adjourned.

Tuesday, October 11, 1842.

Special meeting. Present.

Proceedings of last meeting read and approved.

On motion of Mr. Purviance, it was

Resolved, That Messrs. Charles A. Barnitz and E. Chapin be appointed judges of election of directors, to be held on Monday, the 17th inst., and that the President be authorized to fill any vacancies.

Board adjourned.

Monday, October 9, 1843.

Board met. Present.

Proceedings of last meeting, held 11th October, 1842, were read and approved.

The President reported the following certificate of election:

BOROUGH OF YORK, STATE OF PENNSYLVANIA,
October 17, 1842.

At an election for directors of the York and Maryland Line Railroad Company, held, pursuant to the charter and supplements, at the office of said company, in the borough of York, on this day, Monday, 17th October, 1842, commencing at 10 o'clock, a. m., and ending at 1 o'clock, p. m., by the undersigned, judges appointed to hold the same, the following gentlemen were elected, viz., Alexander Nisbet, John Smith Hollins, John Kelso, Robert Purviance, William G. Harrison, John Spear Smith, John H. Hodges, James Howard, Sheppard C. Leakin, Thomas Finley, James Whiteford, James Wilson.

CHAS. A. BARNITZ, } *Judges.*
E. CHAPIN, }

The above judges were duly sworn to perform their duties with fidelity and according to law, before me, a justice of the peace of the county of York.

(Signed) JACOB GLESSNER.

October 7, 1843.

The President also reported the following report to the legislature of Pennsylvania:

To the honorable the General Assembly of the Commonwealth of Pennsylvania.

In obedience to the requisition of the act of the general assembly, passed at the session 1831–1832, No. 78, sec 11, the York and Maryland Line Railroad Company respectfully submit their eighth annual report.

Statement of the receipts and expenditures of the York and Maryland Line Railroad Company from its organization to the 30th September, 1842, (exclusive of loans made to the company, since paid.)

RECEIPTS.		
From capital stock	$199,195 00	
From loans from Baltimore and Susquehanna Railroad Company	328,546 67	
From transportation, being ½ of nett receipts on this road and Baltimore and Susquehanna Railroad Company to 30th September, 1839	10,486 72	
Do. do. do. 1840	12,362 68	
Do. do. do. 1841	14,610 09	
Do. do. do. 1842	16,320 50	
		$581,521 16

EXPENDITURES.		
For damages	$34,141 70	
For graduation, masonry, &c.	487,944 12	
For salaries, president and secretary	5,655 85	
For payments to Baltimore and Susquehanna Railroad Company on account of loans, being the amount of transportation	53,779 99	
		$581,521 16

All transportation on this road has been done by the Baltimore and Susquehanna Railroad Company. By agreement between the two companies the York and Maryland Line Railroad Company is entitled to $\frac{1}{3}$ of the nett revenue received by the Baltimore and Susquehanna Railroad Company for transportation on the whole road from Baltimore to York.

The amount of transportation on this line from 1st October, 1841, to 30th September, 1842, inclusive, was

From 34,902 passengers		$36,555 63
From 93,214,551 lbs. of merchandise		76,883 28
From United States mail		5,205 49
		118,644 40
Deduct expenses of transportation	87,141 17	
Less, included and not chargeable to road between Baltimore and York, viz:		
Tolls to W. Y. & G. R. R. Co. 8,679 33; expenses of trains, &c., over road 8,778 95	17,458 28	
		69,682 89
Total nett transportation		48,961 51
York and Maryland Line Railroad Company's proportion, $\frac{1}{3}$		16,320 50

(Signed) C. HOWARD, [Seal of Company.]
President.

STATE OF MARYLAND, *Baltimore city.*

On this 26th day of January, 1843, personally appeared before me, the subscriber, a justice of the peace in and for the city aforesaid, Charles Howard, president of the York and Maryland Line Railroad Company, and made oath that the above report is just and true to the best of his knowledge and belief. Sworn to before,

OFFICE OF THE YORK AND MD. LINE R. R. CO.,
January 26, 1843.

SIR: I have the honor respectfully to transmit the report of this company to the legislature in compliance with the provisions of its charter.

With great respect, your obedient servant,
(Signed) C. HOWARD.

Hon. BENJ. CRISKER,
Speaker of the Senate of Pennsylvania, Harrisburg.

A similar letter to above, and containing a copy of the same enclosure, was sent to Hon. Hendrick B. Wright, speaker of the house of delegates of Pennsylvania, Harrisburg.

On motion of Mr. Purviance, it was

Resolved, That Messrs. Charles A. Barnitz and E. Chapin be appointed judges of election of directors to be held on Monday, 16th instant, and that the President be authorized to fill any vacancies.

Board adjourned.

Monday, May 6th, 1844.

Board met; present, &c., &c.

Proceedings of last meeting read and approved.

The President submitted the following certificate of election:

BOROUGH OF YORK,
State of Pennsylvania, October 16, 1843.

At an election for directors of the York and Maryland Line Railroad Company, held pursuant to the charter and its supplements, at the house of John Welsh, in the borough of York, on this day, Monday, 17th October, 1843, commencing at 10 o'clock, a. m., and ending at 1 o'clock, p. m., by the undersigned, judges appointed to hold the same, the following gentlemen were elected, viz., Alexander Nisbet, John Kelso, Wm. G. Harrison, John H. Hodges, Sheppard C. Leakin, James Whiteford, John Smith Hollins, Robert Purviance, John Spear Smith, James Howard, Thomas Finley, James Wilson.

CHAS. A. BARNITZ,
E. CHAPIN, *Judges.*

The above judges were duly sworn to perform their duties with fidelity, and according to law, before me, a justice of the peace of the county of York.

JACOB H. GLESSNER.

York, October 16, 1843.

On motion of Mr. Nisbet, it was

Resolved, That Charles Howard be elected president of the company for the ensuing year.

Resolved, That Robert S. Hollins be elected secretary.

The President submitted the following report made to the legislature of Pennsylvania:

To the honorable the General Assembly of the Commonwealth of Pennsylvania.

In obedience to the requisition of the act of the general assembly, passed at the session 1831–1832, No. 78, sec. 11, the York and Maryland Line Railroad Company respectfully submit their ninth annual report.

Statement of the receipts and expenditures of the York and Maryland Line Railroad Company, from its organization to the 30th September, 1843, (exclusive of loans made to the company, since repaid.)

Receipts.		
From capital stock	$199,195 00	
From loans from B. & S. R. R. Co	337,747 09	
From transportation, being ⅓ nett receipts on this road and B. and S. R. R. to 30th September, 1839	10,486 72	
From Ditto, 30th September, 1840	12,362 68	
" " " 1841	14,610 09	
" " " 1842	16,320 50	
" " " 1843	11,619 19	
		$602,341 27
Expenditures.		
For damages	$34,141 70	
For graduation, masonry, &c	497,144 54	
For salaries, president and secretary	5,655 85	
For payments to B. & Sus. R. R. Co. on account of loans, being the amount of transportation	65,399 18	
		$602,341 27

All transportation on the road has been done by the Baltimore and Susquehanna Railroad Company.

By agreement between the two companies, the York and Maryland Line Railroad Company is entitled to one-third of the nett revenue received by the Baltimore and Susquehanna Railroad Company for transportation on the whole line of the road from Baltimore to York.

The amount of transportation on this line, from 1st October, 1841, to 30th September, 1843, inclusive, was—

From 35,184 passengers	$31,241 26	
" 103,926 pounds merchandise	67,380 60	
" United States mail	5,242 99	
		$103,864 85
Less, included, and not chargeable to road between Baltimore and York, viz:		
Tolls to W. Y. & G. R. R. Co $8,697 40		
Expenses of trains, &c., over the same road 8,533 50		
	17,230 90	69,007 26
		$34,857 59
York and Maryland Line Company's proportion, ⅓		$11,619 19

STATE OF MARYLAND, *Baltimore city*.

On this twenty-sixth day of January, 1844, personally appeared before me, the subscriber, a justice of the peace in and for the city aforesaid, Charles Howard, president of the York and Maryland Line Railroad Company, and made oath that the above report is just and true, to the best of his knowledge and belief. Sworn to, before

WM. McDONALD.

OFFICE YORK AND MARYLAND LINE R. R. Co.,
January 26, 1844.

SIR: I have the honor respectfully to transmit the report of this company to the legislature, in compliance with the provisions of its charter.

With great respect, your obedient servant,
CHAS. HOWARD, *Pres't.*

Hon. WM. BIGLER,
Speaker of Senate of Pa., Harrisburg.

A copy of [a] letter similar to the above, and enclosing a like report, [was] addressed to Hon. J. R. Snowden, speaker of the house of representatives, Pennsylvania, Harrisburg.

The following letter from S. C. Leakin was read:

GENTLEMEN: Permit me to resign my situation as a director of the York and Maryland Line Railroad Company.

Yours, respectfully,
S. C. LEAKIN.

To the PRESIDENT & DIRECTORS
Of the York and Maryland Line R. R. Co.

On motion of Mr. Purviance, it was

Resolved, That the resignation be accepted.

Mr. Purviance nominated Mr. William H. Gatchell as a director, in the place of General Eaton.

Mr. Wilson nominated Mr. James McCormick.

A ballot was held, and, on counting the votes, the result was—James McCormick received five votes, and Wm. H. Gatchell four; when James McCormick was declared duly elected a director.

Board adjourned.

Monday, October 14, 1844.

Board met; present, &c., absent, &c.

Proceedings of last meeting read and approved.

On motion of Mr. Purviance, it was

Resolved, That Messrs. Charles A. Barnitz and E. Chapin be appointed judges of election of directors, to be held on Monday, the 21st instant, and that the President be authorized to fill any vacancies.

Board adjourned.

Monday, October 28, 1844.

Board met; present, &c., absent, &c.

Proceedings of last meeting read and approved.

The secretary presented the following certificate of election:

BOROUGH OF YORK, STATE OF PA.,
October 21, 1844.

At an election for directors of the York and Maryland Railroad Com-

pany, held, pursuant to the charter and its supplements, at their office, on this day, Monday, 21st October, 1844, commencing at ten o'clock, a. m., and ending at one p. m., by the undersigned, judges appointed to hold the same, the following gentlemen were elected, viz., Alexander Nisbet, Robert Purviance, J. H. Hodges, Thomas Finley, J. Smith Hollins, William G. Harrison, James Howard, James Whiteford, John Kelso, William H. Gatchell, James C. McCormick, James Wilson.

CHAS. A. BARNITZ,
E. CHAPIN, *Judges.*

The above judges were duly sworn to perform their duties with fidelity, and according to law, before me, a justice of the peace of the county of York.

CHAS. A. BARNITZ,
E. CHAPIN.

York, October 1, 1844, sworn and subscribed before me,

JOHN W. HANSK.

On motion of Mr. Purviance, it was

Resolved, That Charles Howard be elected president for the ensuing year.

Resolved, That Robert S. Hollins be elected secretary.

On motion of Mr. Wilson, it was

Resolved, That the board meet, hereafter, at York, quarterly, on the first Wednesday of January, April, July, and October.

Board adjourned.

Tuesday, September 30, 1845.

Board met; present, &c., absent, &c.

Proceedings of last meeting, (October 28, 1844,) were read and approved.

On motion of Mr. Nisbet, it was

Resolved, That Messrs. Charles A. Barnitz and E. Chapin be appointed judges of election of directors, to be held on Monday, 20th October next, and that the President be authorized to fill any vacancies.

The President submitted the following report to the legislature of Pennsylvania:

To the honorable the General Assembly of the Commonwealth of Pennsylvania.

In obedience to the requisition of the act of the general assembly, passed at the session 1831–'32, No. 78, sec. 11, the York and Maryland Line Railroad Company respectfully submit their tenth annual report.

Statement of the receipts and expenditures of the York and Maryland Line Railroad Company, from its organization to the 30th September, 1844, exclusive of loans made to the company, since repaid.

RECEIPTS.		
From capital stock	$199,195 00	
" loans from Baltimore and Susquehanna R. R. Co.	341,645 69	
" transportation, being one-third of nett receipts on this road, and B. & S. R. R, to Sept. 30, 1839.	10,486 72	
" " " " " 1840.	12,362 68	
" " " " " 1841.	14.610 09	
" " " " " 1842.	16,320 50	
" " " " " 1843.	11,619 19	
" " " " " 1844.	12,468 20	
		$618,708 07
EXPENDITURES.		
For damages	$34,291 70	
" graduation, masonry, &c., &c.	500,893 14	
" salaries, president and secretary	5,655 85	
" payments to B. & S. R. R. Co., on account of loans, being the amount of transportation	77,867 38	
		$618,708 07

All the transportation on the road has been done by the Baltimore and Susquehanna Railroad Company.

By agreement between the two companies, the York and Maryland Line Railroad Company is entitled to one-third of the nett revenue received by the Baltimore and Susquehanna Railroad Company, for transportation on the whole line of the road, from Baltimore to York.

The amount of transportation on this line, from October 1, 1843, to the 30th September, 1844, inclusive, was—

From 49,347 passengers	$36,827 87	
" 162,032,672 pounds merchandise	85,721 95	
" United States mail	5,362 43	
		$127,912 26
Deduct expenses of transportation	114,449 33	
Less, tolls to W. Y. & G. R. R. Co. $12,419 84		
W. Y. & G. R. R. Co's proportion of above expenses 11,521 85		
	23,941 69	
		90,507 64
Nett transportation		$37,404 61
York and Maryland R. R. Co's proportion, one-third		$12,468 20

CHARLES HOWARD, *Pres't.* [Seal of company.]

STATE OF MARYLAND, *Baltimore city.*

On this 27th day of January, 1845, personally appeared before me, the subscriber, a justice of the peace in and for the aforesaid city,

Charles Howard, president of the York and Maryland Line Railroad Company, and made oath that the above report is just and true, to the best of his knowledge and belief. Sworn to, before

WM. McDONALD.

Mr. Hollins offered the following:

Resolved, That the meeting directed to be held in York on to-morrow, be postponed until the first Wednesday in January next.

Mr. Nisbet moved to strike out "first Wednesday in January next," and insert " Saturday, 4th instant;" which was rejected. The resolution was then adopted.

Board adjourned.

Baltimore, Tuesday, November 7, 1845.

A meeting of the board was called for this day; a quorum not being present, the members who attended adjourned.

Baltimore, Tuesday, November 11, 1845.

Present, &c., absent, &c.; board met.

Proceedings of last meeting read and approved.

The following certificate of election was read:

BOROUGH OF YORK, STATE OF PA.,
October 20, 1845.

At an election for directors of the York and Maryland Line Railroad Company, held, pursuant to the charter and its supplements, at their office, on this day, Monday, October 20, 1845, commencing at one o'clock, p. m., and ending at three o'clock, p. m., by the undersigned, judges appointed to hold the same, the following gentlemen were elected, viz., James Wilson, James C. McCormick, Robert M. Magraw, John Philpot, Henry Pike, Alexander Nisbet, John Kelso, James Whiteford, J. S. Hollins, Thomas Finley, William H Gatchell, Wm. T. Walters.

CHAS. A. BARNITZ,
E. CHAPIN,
Judges.

The above judges were duly sworn to perform their duties with fidelity, and according to law, before me, a justice of the peace of the county of York.

SAM'L M. BARNITZ.

York, Oct. 20, 1845.

The third section of the supplement to the charter, appropriated April 15, 1844, which provides for the election of a president by a majority of the directors, was read.

Adjourned to meet on Tuesday next, 18th inst., at 12 o'clock.

Baltimore, Tuesday, November 18, 1845.

Board met; present, &c., absent, &c.

Proceedings of last meeting read and approved.

On motion of Mr. Whiteford, it was

Resolved, That C. Howard be elected president for the ensuing year.

Mr. Finley offered the following:

Resolved, That a committee be appointed to devise measures to place the directors of this company, and the directors of the Baltimore and Susquehanna Railroad Company, on the same footing of equality in relation to travelling on their respective roads.

Rejected by the following vote:

Ayes, Messrs. Kelso, Finley, and Nisbet; nays, Messrs. Pike, Wilson, McCormick, Philpot, Whiteford, and Hollins.

Board adjourned.

Thursday, October 15, 1846.

Board met. Present, &c. Absent, &c.

On motion of Mr. Whiteford, it was resolved that Messrs. Charles A. Barnitz and E. Chapin be appointed judges of the election for directors of this company to be held on Monday, the 19th inst.

Board adjourned.

Wednesday, October 13, 1847.

Present at a meeting called by the President.

Adjourned for want of a quorum until to-morrow, at 9½ o'clock.

Thursday, October 14, 1847.

Board met. Present, &c. Absent, &c.

The President reported the following certificate of election:

BOROUGH OF YORK, STATE OF PA.,
October 19, 1846.

At an election for directors of the York and Maryland Line Railroad Company, held pursuant to the charter and its supplements, at their office on this day, Monday, October 19, 1846, commencing at 1, p. m., and ending at 3, p. m., by the undersigned, judges appointed to hold the same, the following gentlemen were elected, viz: James Wilson, James C. McCormick, Robert M. Magraw, John Philpot, Henry Pike, Alexander Nisbet, John Kelso, James Whiteford, J. Smith Hollins, Thomas Finley, William H. Gatchell, William T. Walters.

CHAS. A. BARNITZ,
E. CHAPIN, } *Judges.*

The above judges were duly sworn to perform their duties with fidelity and according to law, before me, a justice of the peace of the county of York.

JACOB GLESSNER,
Justice of the peace in and for the county of York.

YORK, *October* 19, 1846.

The President read the following report to the legislature of Pennsylvania:

12 P.

To the honorable the general assembly of the Commonwealth of Pennsylvania.

In obedience to the requisition of the act of the general assembly, passed at the session 1831–1832, No. 78, sec. 11, the York and Maryland Line Railroad Company respectfully submit their twelfth annual report.

Statement of the receipts and expenditures of the York and Maryland Line Railroad Company, from its organization to the 30th September, 1846, (exclusive of loans made to the company, and since repaid:)

RECEIPTS.		
From capital stock	$199,195 00	
From loans Baltimore and Susquehanna Railroad Company	343,891 36	
For transportation, being ⅓ nett receipts on this road and Baltimore and Susquehanna Railroad from opening road to 30th September, 1845	90,990 74	
Do. do. October 1, to September 30, 1846	18,046 84	
		$652,123 94
EXPENDITURES.		
For damages	34,291 70	
For graduation, masonry, &c.	508,794 66	
For payments to Baltimore and Susquehanna Railroad Company on account of interest on loans, being the amount of transportation	109,037 58	
		$652,123 94

All the transportation on the road has been done by the Baltimore and Susquehanna Railroad Company. By agreement between the two companies the York and Maryland Line Railroad Company is entitled to ⅓ of the nett revenue received by the Baltimore and Susquehanna Railroad Company for transportation on the whole line of the road from Baltimore to York.

The amount of transportation on this line from October 1, 1845, to September 30, 1846, inclusive, was

From 62,835 passengers	$44,150 79	
From 274,724,581 bbs. merchandise	128,740 40	
From U. S. mail	5,833 34	
		$178,724 53
Deduct expenses of transportation	162,486 13	
Less tolls to W. Y. & G. R. R. $21,574 20		
W. Y. & G. R. R. proportion of expenses. 16,327 94		
	37,902 14	
		124,583 99
Nett transportation		54,140 54
York and Maryland Line Railroad Company's proportion, ⅓		$18,046 84

CHAS. HOWARD, *President*. [SEAL OF COM'Y.]

STATE OF MARYLAND,
Baltimore city.

On this 22d day of January, 1847, personally appeared before me, the subscriber, a justice of the peace in and for the city aforesaid, Charles Howard, president of the York and Maryland Line Railroad Company, and made oath that the above report is just and true, to the best of his knowledge and belief.

Sworn to before

TH. HANSON BELT.

OFFICE YORK AND MARYLAND LINE R. R. Co.,
January 23, 1847.

SIR: I have the honor respectfully to transmit the report of this company to the legislature in compliance with the provisions of its charter.

With great respect, your obedient servant,
CHARLES HOWARD, *President.*

To Hon. CHARLES GIBBONS,
Speaker of senate of Pennsylvania, Harrisburg.

A copy of the above letter, enclosing a like report, addressed to Hon. James Cooper, speaker of house reps.

On motion of Mr. Hollins, it was

Resolved, That Messrs. E. Chapin and Charles A. Barnitz be appointed judges of election to be held on Monday next, 18th instant, at York.

The following letter of resignation of William H. Gatchell, esq., was read:

R. S. HOLLINS, esq.

DEAR SIR: Do me the favor to say to the board, at their meeting to-day, that I resign my situation as director of the York and Maryland Line Railroad Company.

Very respectfully, yours,
13th October, 1847. WM. H. GATCHELL.

On motion of Mr. Philpot, it was

Resolved, That the resignation of Wm. H. Gatchell be not accepted.

Board adjourned.

Baltimore, Wednesday, November 10, 1847.

Board met. Present, &c. Adjourned, for want of a quorum, until Wednesday next, at 10 o'clock.

Baltimore, Wednesday, November 17, 1847.

Board met. Present, &c.

R. Purviance, esq., was appointed president pro tem.

Proceedings of last meeting read and approved.

The secretary presented the following certificate of election:

BOROUGH OF YORK,
Commonwealth of Penn., Oct. 18, 1847.

At an election for directors of the York and Maryland Line Railroad Company, held, pursuant to the charter and its supplements, at their office, this day, Monday, October 18, 1847, commencing at 1 o'clock, p. m., and ending at 3 o'clock, p. m., by the undersigned, judges appointed to hold the same, the following gentlemen were elected, viz.: James Wilson, Robert M. Magraw, Henry Pike, John Kelso, J. Smith Hollins, Wm. H. Gatchell, James C. McCormick, John Philpot, Alexander Nisbet, Thomas Finley, James Whiteford, Robert Purviance.

CHAS. A. BARNITZ,
E. CHAPIN, *Judges.*

The above judges were duly sworn to perform their duties with fidelity, and according to law, before me, a justice of the peace for the county of York.

JAMES ADAMS,
York, October 18, 1847. *Justice of the peace.*

The board proceeded to ballot for a president.

The President pro tem. appointed Messrs. Pike and McCormick tellers, who, on counting the ballots, reported that Robert M. Magraw had received four votes, and Charles Howard had received three votes.

The President pro tem. announced that Robert M. Magraw had been elected president.

Board adjourned.

Monday, May 1, 1848.

Board met. President, &c.

Judge Nesbit was appointed president pro tem.

The meeting was informed by the secretary that certain property had been sold in York, by the advice and consent of the Baltimore and Susquehanna Railroad Company. On motion, it was resolved—

1st. Resolved, That the President be authorized to execute all deeds for the sale of real estate belonging to the company, provided he does the same by and with the consent and advice of the Baltimore and Susquehanna Railroad Company.

2d. Resolved, That the President be authorized and empowered to appoint an attorney to acknowledge all deeds that he may have occasion to execute for the sale of real estate.

Board adjourned.

York and Maryland Line Railroad Company's office. Saturday, September 29, 1849.

Board met. Present, &c.; absent, &c.

Alexander Nesbit was appointed president pro tem.

The following certificate of election was then read: (Certificate of election here inserted.)

Report to legislature.
(Insert.)

On motion of Mr. Ponder, it was

Resolved, Messrs. David G. Barnitz and E. Chapin be appointed judges of the election of directors of this company, to be held on Monday, the 15th of October.

The board adjourned.

Friday, October 10, 1851.

York and Maryland Line Railroad Company. Special meeting.

Present, &c.; absent, &c.

On motion of J. Smith Hollins, it was

Resolved unanimously, That Robert M. Magraw be elected president.

On motion of James O. McCormick, it was

Resolved, That D. G. Barnitz and E. Chapin be appointed judges of the election of directors, to be held in York, on the 20th instant.

Board adjourned.

Exhibit C.

To the honorable the general assembly of the Commonwealth of Pennsylvania.

In obedience to the requisition of the act of the general assembly, passed at the session 1831–1832, No. 78, sec. 11, the York and Maryland Line Railroad Company respectfully submit their tenth annual report.

Statement of the receipts and expenditures of the York and Maryland Line Railroad Company, from its organization to the 30th September, 1844, (exclusive of loans made to the company, since repaid.)

RECEIPTS.		
From capital stock	$199,195 00	
From loans from Baltimore and Susquehanna R. R. Co.	341,645 69	
From transportation, being one-third nett receipts on this road, and Baltimore and Susquehanna R. road, to 30th September, 1839	10,486 72	
From Ditto, 30th September, 1840	12,362 68	
" " " 1841	14,610 09	
" " " 1842	16,320 50	
" " " 1843	11,619 19	
" " " 1844	12,468 20	
		$618,708 07
EXPENDITURES.		
For damages	34,291 70	
For graduation, masonry, &c.	500,893 14	
For salaries, president and secretary	5,655 85	
For payments to Baltimore and Susquehanna Railroad Company on account of loans, being the amount of transportation	77,867 38	
		618,708 07

All the transportation on the road has been done by the Baltimore and Susquehanna Railroad Company. By agreement between the two companies, the York and Maryland Line Railroad Company is entitled to one-third of the nett revenue received by the Baltimore and Susquehanna Railroad Company for transportation on the whole line of the road from Baltimore to York.

The amount of transportation on this line from October 1, 1843, to 30th September, 1844, inclusive, was:

From 49,347 passengers	$36,827 87	
From 162,032,672 lbs. of merchandise	85,721 95	
From United States mail	5,362 43	
		$127,912 25
Deduct expenses of transportation	114,449 33	
Less tolls to Wrightsville, York, and Gettysburg R. R. Co. $12,419 84; Wrightsville, York, and Gettysburg R. R. Co.'s proportion of above expenses $11,521 85.	23,941 69	
		90,507 64
Nett transportation		37,404 61
York and Maryland Line Railroad Company's proportion, one-third		12,468 20

CHAS. HOWARD, *President.*

STATE OF MARYLAND, *Baltimore city.*

On this twenty-seventh day of January, 1845, personally appeared before me, the subscriber, a justice of the peace in and for the city aforesaid, Charles Howard, president of the York and Maryland Line Railroad Company, and made oath that the above report is just and true, to the best of his knowledge and belief. Sworn to before

D. H. McDONALD.

EXHIBIT D.

Condensed financial statement of the Baltimore and Susquehanna Railroad Company to the 30th September, 1849

RECEIPTS.		
From capital stock	$450,000 00	
Loans, State of Maryland	1,884,045 29	
Loans, city of Baltimore	850,000 00	
Nett transportation between Baltimore and Columbia	561,623 31	
Fines from private switches	300 00	
Sales of old iron	6,303 50	
Sales of lots in York	485 00	
		$3,752,757 10
EXPENDITURES.		
For construction of road from Baltimore to York	2,611,012 90	
Depots, water stations, and real estate	73,489 69	
Interest to State, city, and discount	363,140 79	
Stock, Wrightsville, York and Gettysburg R. R. Co	121,205 37	
Locomotives, passenger and burden cars	305,788 40	
Patent rights	6,528 22	
Calvert station	23,932 47	
Old claims	1,726 87	
		3,506,824 71
		$245,932 39

Condensed financial statement—Continued.

FUNDS.			
Cash		$10,064 43	
Baltimore and Susquehanna R. R. Co. stock		20,948 44	
Wrightsville, York, and Gettysburg R. R. Co. debt	$161,887 81		
Interest	9,176 99		
		171,064 80	
Outstanding transportation prior to October, 1847, nearly all insolvent		14,960 20	
Outstanding transportation this year		2,895 57	
Sundry accounts		16,738 05	
Materials on hand, paid for		9,716 21	
		246,387 70	
DEBTS.			
Company's notes, 1 and 2 and 5 and $10	$222 00		
Outstanding accounts	233 31		
		455 31	
			$245,932 39

ROBERT S. HOLLINS, *Secretary.*

Receipts and expenditures of the Baltimore and Susquehanna Railroad Company for the year ending September 30th, 1849.

RECEIPTS.			
From balance of receipts and expenditures, as per last annual report		$243,757 11	
From gross transportation to and from Columbia, as per No. 3		274,893 27	
From interest, Wrightsville, York, and Gettysburg Railroad Company		9,713 27	
From Wrightsville, York, and Gettysburg Railroad Company for cost of track to river at Wrightsville		7,494 67	
From sales of lots in York		485 00	
From sales of old iron		240 08	
			$536,583 40
EXPENDITURES.			
For expenses of transportation, No. 3	$156,289 08		
For tolls to Wrightsville, York, and Gettysburg R. R. Co., No. 3	26,325 37		
For tolls to Columbia bridge, No. 3	2,965 62		
		185,580 07	
Interest to State	73,000 00		
Legal expenses	1,244 81		
For improvements of shops, depots, &c., &c	7,051 10		
For Calvert station	22,048 16		
Old claims	1,726 87		
		105,070 94	
			290,651 01
			$245,932 39

ROBERT S. HOLLINS, *Secretary.*

The revenue and expenditures of the transportation department of the Baltimore and Susquehanna Railroad Company from October 1st, 1848, to September 30th, 1849.

Revenue between Baltimore and York; passengers, No. 119,212		$68,729 85	
Merchandise, 372,011,951 lbs		163,640 28	
United States mails		5,833 33	
			$238,203 46
Revenue between York and Columbia:			
Passengers, No. 23,940		11,385 93	
Merchandise, 162,198,885 lbs		24,137 21	
United States mail		1,166 67	
			36,689 81
			$274,893 27
EXPENDITURES.			
Tolls to Wrightsville, York, and Gettysburg Railroad		26,325 37	
Tolls to Columbia bridge		2,965 62	
Repairs of locomotive	$22,671 43		
Do. railroad	14,603 04		
Do. passenger cars	4,011 88		
Do. burden cars	10,582 67		
Do. city track	3,107 96		
Do. Westminster branch	699 84		
Do. depots	783 89		
Do. stationary engine	382 23		
Do. turn tables	381 58		
Do. bridges	1,241 11		
Do. shops	1,626 14		
Do. water stations	364 93		
Running trains	45,654 90		
Fuel	31,541 42		
Horse department	10,349 66		
General expenses	1,093 46		
Office expenses	952 76		
Salaries, president, secretary, and clerks	4,350 00		
Printing and advertising	561 17		
Insurance	454 17		
Taxes	148 86		
Loss on merchandise	328 62		
Expenses Columbia office	352 37		
Damage claim	44 99		
		156,289 08	
			185,580 07
			$89,313 20

ROBERT S. HOLLINS, *Secretary*.

A statement of the receipts and expenditures.

The nett earnings from transportation for the year ending 30th September, 1849, and received during the same period		$89,313 20
From Wrightsville, York, and Gettysburg Railroad Company for interest on the debt of $161,887 81		9,713 27
From same company for tracts to River at Wrightsville		7,494 67
From sales of old iron		240 08
From lots in York		485 00
		$107,246 22
And have paid away—		
To the State of Maryland	$73,000 00	
Legal expenses and costs	1,244 81	
Calvert station	22,048 16	
Improvement of shops, depots, &c	7,051 10	
Old claims	1,726 87	
		105,070 94
Leaving		$2,175 28
Amount of funds available and unavailable 30th September, 1848	243,757 11	
Amount of funds available and unavailable 30th September, 1849	245,932 39	
		$2,175 28

ROBERT S. HOLLINS, *Secretary.*

(E.)

YORK AND MARYLAND LINE RAILROAD COMPANY.

TRANSFER BOOK, &c., STOCK LEGER.

Exhibit E.

We, whose names are hereunto subscribed, acknowledge that, for described in the lines annexed to our respective names, the subjoined

Date of transfer.	Folio leger.	By whom transferred.	No. of shares.	Folio leger.	To whom transferred, and residence.
1835. May 27.	....	George Small & Son.....	5	....	Balt. and Sus. R. R. Co.
" "	....	Davis & Gartner.....	2		
" "	....	Philip Smyser.....	2	....	William G. Harrison, Balt.
	....	John Evans.....	2		
Oct. 29.	....	Balt. and Sus. R. R. Co..	1	....	Thomas McGrath, York....
" "	....	Ditto.....	1	....	Henry Welsh, do.....
1838. Oct. 1.	....	James B. Stansbury.....	1	....	Balt. and Sus. R. R. Co ....
" 10.	....	John Scott.....	1	....	George M. Gill.....
Dec. 1.	....	Robert S. Hollins.....	1	....	Balt. and Sus. R. R. Co....
1839. Oct. 17.	....	Balt. and Sus. R. R. Co..	1	....	Charles A. Barnitz.....
1841. " 13.	....	Balt. and Sus. R. R. Co..	1	....	James Wilson.....
" "	....	Ditto.....	1	....	James Whiteford.....
" "	....	Henry Welsh.....	1	....	Edward Chapin.....
" 26.	....	Elizabeth McGrath, ex'or of Thomas McGrath..	1	....	Balt. and Sus. R. R. Co.....
Dec. 11.	....	George M. Gill.....	1	....	Balt. and Sus. R. R. Co.....
1844. Oct. 18.	....	J. Spear Smith.....	1	....	Balt. and Sus. R. R. Co.....
" "	....	Balt. and Sus. R. R. Co..	1	....	James O. McCormick.....
" "	....	Ditto.....	1	....	William H. Gatchell.....
" "	....	S. C. Leakin.....	1	....	Balt. and Sus R. R. Co.....

Date of transfer.	Folio leger.	By whom transferred.	Shares. Full p'd.	Shares. $1 p'd.	Folio leger	To whom transferred, and residence.
1845. Oct. 16.	....	Balt. and Sus. R. R. Co..	2	2	..	Wm. T Walters, Balt. John Philpot, do. Henry Pike, do. R. M. Magraw, do. James V. Wagner, do.
1848. Oct. 13.	....	Balt. and Sus. R. R. Co..	4	....	..	John Sharpley, do. Wm. P. Ponder, do. Michael Herr, do. Zenos Barnum, do.
1849. Oct. 12.	....	Balt. and Sus. R. R. Co..	7	....	..	W. Farnando, do. Coleman Tillot, do. S. H. Taggert, do. Richard Green, do. J. Berryman, do. David G. Barnitz, York.
1850. Oct. 19.	....	Balt. and Sus. R. R. Co..	5	....	..	Ed. Rider, Balt. W. N. Cary, do. Clayton N. Bright, do. R. T. Merrick, do.
" "	....	Charles A. Barnitz.....	1	....	....	James Lucas, do.
1851. Oct. 7.	....	James Lucas.....	1	....	....	Balt. and Sus. R. R. Co.
" 16.	....	.....	....	....	....	Balt. and Sus. R. R. Co.
	....	Balt. and Sus. R. R. Co..	4	....	..	W. Chesnut, Balt. Geo. S. Morris, do. W. H. Kurtz, do. W. B. Duval, do.

[Exhibit E.]

value received, we have transferred, at the times and to the persons shares of stock in the York and Maryland line Railroad Company.

No. of shares.	Transferrer.	Witness.
10	James Howard, attorney	Rob't S. Hollins.
1		
1	Alex. Nisbet, President	Rob't S. Hollins.
1		
1	James B. Stansbury	Rob't S. Hollins.
1	John Scott	Rob't S. Hollins.
1	Robert S. Hollins	Evan J. Morgan.
1	Charles Howard, president	Rob't S. Hollins.
1	Charles Howard, president	Rob't S. Hollins.
1		
1	Charles Howard, attorney	Rob't S. Hollins.
1		Rob't S. Hollins.
1	Geo. M. Gill	Rob't S. Hollins.
1	Jno. Spear Smith	Rob't S. Hollins.
1	Two shares, on each of which an instalment of $1 only has been p'd. — Chas. Howard, pres't	Rob't S. Hollins.
1		
	S. C. Leakin	Rob't S. Hollins.

Shares.		Transferrer.	Witness.
Full paid.	$1 paid.		
	1	Charles Howard, president B. & S. R. R. Co.	Rob't S. Hollins.
	1		
1			
1			
1			
1		R. M. Magraw, president B. & S. R. R. Co..	Rob't S. Hollins.
1			
1			
1			
1			
1		R. M. Magraw, president B. & S R. R. Co.	
1			
1			
1			
1			
1			
1		R. M. Magraw, president B. & S. R. R. Co.	
1			
1			
1			
1		Robert S. Hollins, secretary.	
		James Lucas.	
1			
1			
1		R. M. Magraw, president.	
1			

Exhibit F.

Condensed financial statement of the Baltimore and Susquehanna Railroad Company, to the 30th September, 1850.

Receipts.		
From capital stock	$450,000 00	
Loans—State of Maryland	1,884,045 29	
" city of Baltimore	850,000 00	
Nett transportation between Baltimore and Columbia	659,552 96	
Fines, private switches	650 00	
Sale of old iron	6,303 50	
Sale of lots in York	3,000 00	
		$3,853,551 75
Expenditures.		
For construction of road from Baltimore to York	$2,620,771 60	
Depots, water stations, &c	66,248 00	
Interest to State, city, and discount	428,424 15	
Stock, Wrightsville, York and Gettysburg R. R. Co.	125,765 37	
Locomotives, passenger and burden cars	313,287 40	
Patent rights	6,528 22	
Calvert station	68,058 66	
Old claims	2,266 87	
Negro slave and child	1,051 80	
		3,632,402 07
		$221,149 68
Funds.		
Cash	$1,924 20	
Baltimore and Susquehanna Railroad Company, stock	20,948 44	
Wrightsville, York and Gettysburg Railroad Company	161,887 81	
York and Cumberland Railroad Company	1,626 50	
Sundry accounts	14,476 25	
Outstanding transportation prior to October, 1847, nearly all desperate	14,336 71	
Materials on hand, paid for	7,186 02	
Outstanding transportation this year	2,874 89	
	$225,260 82	
Debts.		
Company's notes, 1 and 2, and 5 and $10 $222 00		
Outstanding accounts 233 31		
Wrightsville, York and Gettysburg R. R. Co., for nett transportation 3,655 83		
	4,111 14	
		$221,149 68

ROBERT S. HOLLINS, *Sec'ry.*

Receipts and expenditures of the Baltimore and Susquehanna Railroad Company, for the year ending September 30, 1850.

Receipts.		
From balance of receipts and expenditures, as per last annual report	$245,932 39	
From gross transportation to and from Columbia, No. 3	284,596 72	
From interest from Wrightsville, York and Gettysburg Railroad Company	9,713 27	
From sale of lot in York	3,000 00	
From sale of Howard street depot	8,500 00	
From fines, neglect private switches	350 00	
		$552,192 38
Expenditures.		
For expenses of transportation, as per No. 3	$156,129 30	
For tolls to Wrightsville, York and Gettysburg Railroad Company	26,878 49	
For tolls, Columbia bridge	3,659 28	
	$186,667 07	
For interest to State of Maryland	75,000 00	
For legal expenses	1,382 95	
For construction	8,986 58	
For Calvert station	44,126 19	
For old claims	540 00	
For slave and child carried off	1,051 80	
For new locomotive	7,369 80	
For improvement of depots	839 44	
For stock, Wrightsville, York and Gettysburg Railroad Company, 380 shares	4,560 00	
For ground rent	418 87	
		330,942 70
		$221,149 68

ROBERT S. HOLLINS, *Sec'ry.*

Revenue and expenditures of the transportation department of the Baltimore and Susquehanna Railroad Company, from October 1st, 1849, to September 30th, 1850.

Revenue between Baltimore and York.		
Passengers, No. 132,845	$76,818 43	
Merchandise, lbs. 362,228,954	162,434 75	
United States mail	5,833 33	
		$245,086 51
Revenue between York and Columbia.		
Passengers, No. 27,181	$13,005 48	
Merchandise, lbs. 161,068,009	25,338 06	
United States mail	1,166 67	
		39,510 21
		$284,596 72

Revenue and expenditures—Continued.

EXPENDITURES.			
Tolls to Wrightsville, York and Gettysburg Railroad	$26,878 49		
Tolls to Columbia bridge	3,659 28		
		$30,537 77	
Repairs of locomotives	$13,870 00		
Rebuilding locomotives	11,790 01		
	$25,660 01		
Repairs of railroad	11,776 81		
Do. passenger cars	1,237 14		
Do. burden cars	11,956 92		
Do. city tracks	1,584 93		
Do. Westminster branch	734 23		
Do. depots	177 78		
Do. turn tables	83 76		
Do. bridges	2,111 23		
Do. shops	2,927 82		
Do. water stations	308 99		
Fuel	30,178 70		
Horse department	10,184 61		
General expenses	218 58		
Office expenses	1,159 97		
Salaries—President, secretaries, and two clerks	3,927 50		
Printing and advertising	882 70		
Insurance	507 68		
Taxes	147 72		
Loss on merchandise	178 70		
Damage to property	100 00		
Columbia office	100 00		
Running trains	49,597 26		
Repairs stationary engine	387 22		
		156,129 30	
			186,667 07
			$97,929 65

ROBERT S. HOLLINS, *Sec'ry.*

A statement of the receipts and expenditures.

The nett earnings from transportation for the year ending 30th September, 1850		$97,929 65
And received during the same period—		
From Wrightsville, York and Gettysburg Railroad Company, for interest on $161,887 81		9,713 27
From sale of lot in York		3,000 00
From sale Howard street depot		8,500 00
From neglect private switches		350 00
		$119,492 92
And have paid away—		
To State of Maryland	$75,000 00	
Legal expenses	1,382 95	
Calvert station	44,126 19	
Construction	8,986 58	
Old claims	540 00	

Statement—Continued.

Slave and child	1,051 80	
New locomotive	7,369 80	
Improvements of depots	839 44	
Stock Wrightsville, York and Gettysburg Railroad Company	4,560 00	
Ground rents	418 87	
		$144,275 63
		$24,782 71
Amount of available and unavailable funds, 30th September, 1849	$245,932 39	
Amount of available and unavailable funds, 30th September, 1850	221,149 68	
		24,782 71

ROBERT S. HOLLINS, *Sec'ry.*

Laws of Pennsylvania.

Exhibit P.

No. 78.

An act to incorporate the York and Maryland Line Railroad Company. March 14, 1832.

Section 1. Be it enacted by the senate and house of representatives of the Commonwealth of Pennsylvania in general assembly met, and it is hereby enacted by the authority of the same, That George Small, Michael Doudle, Daniel Inginfritz, Jacob Laumaster, James Shall, Charles Weiser, Peter Ahl, Jacob Bailor, Phineas Davis, George Morris, and Jacob Emmitt, of the borough of York; and Charles A. Barnitz, of Spring Garden; Henry Snyder and Daniel Raman, of Shrewsbury township; Joseph Osborn, of York township; John Hellings, John Smith, and William Patterson, of Hopewell township, or any two of them, be, and they are hereby, appointed commissioners to do and perform the several things hereinafter mentioned, that is to say, they shall, on or before the first day of July next, procure a book or books, which shall be opened in some convenient place in the borough of York, and therein enter as follows: "We, whose names are hereunto subscribed, do promise to pay to the president and managers of the 'York and Maryland Line Railroad Company,' the sum of fifty dollars for every share of stock set opposite to our respective names, in such manner and proportions, and at such times, as shall be determined by the president and managers of the said company, in pursuance of an act of the general assembly of this Commonwealth, entitled 'an act to incorporate the York and Maryland Line Railroad Company.' Witness our hands this day of , in the year of our Lord one thousand eight hundred and ." And shall thereupon give notice in two English and two German newspapers, printed in the borough of York, and in

Commissioners appointed to open books, &c,

Forms of subscription

($50 per share,)

such newspaper printed elsewhere as they may deem expedient, for three weeks at least, of the times and places when and where the said book or books shall be kept open to receive subscriptions for the stock of said company; at which respective times and places one or more of the commissioners shall attend, and permit all persons of lawful age, who shall offer to subscribe in the said books, in their own names, or name of any other person who shall authorize the same, for any number of shares in the said stock; and the said books shall be kept open respectively, for the purpose aforesaid, at least six hours in every juridical day, for the space of six days, or until there shall have been subscribed four thousand shares; and if, at the expiration of six days, the books aforesaid shall not have the number of shares aforesaid therein subscribed, the said commissioners may adjourn, from time to time, and transfer the books elsewhere, until the whole number of four thousand shares shall be subscribed; of which adjournment and transfer the commissioners aforesaid shall give such public notice as the occasion may require, and when the whole number of shares shall be subscribed, then the books shall be closed: Provided always, that every person offering to subscribe in the said books in his own, or any other name, shall previously pay to the attending commissioners the sum of five dollars for every share to be subscribed, out of which shall be defrayed the expenses attending the taking of such subscription, and other incidental expenses, and the remainder shall be paid to the treasurer of the corporation, as soon as the same shall be organized and the officers chosen, as hereinafter mentioned.

Whole No. 4000 shares.

Proviso.

$5 to be paid down on each share.

When 2000 shares are taken, charter may issue.

Sec. 2. And be it further enacted by the authority aforesaid, That when two thousand shares or more of the said stock shall be subscribed, the commissioners, or a majority of them, may certify to the Governor, under their hands and seals, the names of the subscribers, the number of shares subscribed, and the sum paid in on subscribing by each, whereupon the Governor shall, by letters patent under his hand and the seal of the Commonwealth, create and erect the subscribers, and if the subscription be not full at the time, then also those who shall thereafter subscribe to the number of shares aforesaid, into a body politic and corporate, in deed and in law, by the name, style, and title of the "York and Maryland Line Railroad Company;" and by the same name the subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their capital stock, and the increase and profits thereof, and of enlarging the same, from time to time, by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be

Style.

found necessary to fulfil the intentions of this act; and of purchasing, taking, and holding, to them and their successors and assigns, in fee simple or for any less estate, all such lands, tenements, hereditaments, goods, chattels, and all estate, real, personal, or mixed, of what kind or quality soever, as shall be necessary to them in the prosecution of their works; and the same, from time to time, to sell, mortgage, grant, alien, or dispose of, and to make dividends of such portions of the profits as they may deem proper; and of suing and being sued; and of making and having one common seal, and the same to alter and renew at pleasure; and also to ordain, establish, and put in execution, such by-laws, ordinances, and regulations, as shall appear necessary and convenient for the government of the said corporation, not being contrary to the Constitution and laws of the United States, or of this Commonwealth; and generally do all and singular the matters and things which to them it shall lawfully appertain to do, for the well being of the said corporation, and the due management and ordering the affairs of the same. Privileges & liabilities of incorporation.

Sec. 3. And be it further enacted by the authority aforesaid, That the said named persons, or a majority of them, shall, as soon as conveniently may be, after the said letters patent shall be obtained, give at least twenty days previous notice in the newspapers herein before mentioned, of the time and place by them appointed for the subscribers to meet, within this Commonwealth, in order to organize the said company, and to choose, by a majority of votes of the said subscribers, by ballot, to be given in person or by proxy, which proxy shall have been obtained and bear date within three months previously to the election at which said proxy shall be presented, duly authorized, one president and ten managers, a majority of whom shall be resident citizens of this Commonwealth, a secretary and treasurer, and such other officers as shall be deemed necessary, a majority of whom shall be resident citizens of this Commonwealth; and the president and managers aforesaid shall conduct the business of said company until the first Thursday of January then next, and until like officers shall be chosen, and make such by-laws, rules, orders, and regulations as are not inconsistent with the Constitution and laws of the United States, or of this State, and that may be necessary for the well governing the affairs of the company. Provisional election of officers. Votes by proxy. President, ten managers, secretary, treasurer, &c. By-laws, &c

Sec. 4. And be it further enacted by the authority aforesaid, That the stockholders shall meet on the first Thursday of January in every year, at such place as may be fixed upon by the by-laws, of which notice shall be given at least twenty days, by the secretary, in the newspapers before Annual election of officers.

mentioned, and choose by a majority of votes present their officers for the ensuing year, as mentioned in the third section of this act, who shall continue in office for one year, and until others are chosen; and at such other times as they may be summoned by the managers in such manner and form as shall be prescribed by the by-laws; at which annual or special meeting they shall have full power and authority to make, alter or repeal, by a majority of votes, in manner aforesaid, all such by-laws, rules, orders, and regulations as aforesaid, and do and perform every other corporate act; and the number of votes to which each stockholder shall be entitled shall be according to the number of shares he or she shall hold, in the proportions following, that is to say, for each share not exceeding two shares, one vote; for every two shares above two and not exceeding ten shares, one vote; for every four shares above ten and not exceeding thirty, one vote; for every ten shares above thirty and not exceeding one hundred, one vote; but no share or number of shares above one hundred shall confer any additional right of voting, and no share shall confer a right of suffrage which shall not have been holden three calendar months prior to the day of election, nor unless it be holden by the person in whose name it appears, absolutely and bona fide in his own right, or that of his wife, or for his or her sole use and benefit, or as the executor or administrator, trustee or guardian, or in the right and for the use and benefit of some co-partnership, corporation, or society, of which he or she may be a member, and not in trust for and to the use and benefit of any other person: Provided, that no shares held by transfer shall be entitled to vote, unless the same shall have been transferred at least three months before the election; and all votes by proxy shall be on such terms and conditions as are prescribed by the act passed on the twenty-eighth day of March, in the year of our Lord one thousand eight hundred and twenty, entitled "an act to regulate proxies."

Ratio of votes to shares.

Date of transfer.

Proviso.

Votes by proxy, &c.

Manner of conducting annual election.

Sec. 5. And be it further enacted by the authority aforesaid, That the election of officers, provided for in the fourth section of this act, shall be conducted in the following manner, that is to say, the managers for the time being shall appoint two of the stockholders, not being managers, to be judges of the said election, and to conduct the same, after having severally taken and subscribed an oath or affirmation, before an alderman or justice of the peace, well and truly, and according to law, to conduct such election, and the said judges shall decide upon the qualifications of the voters, and when the election is closed shall count the votes, and declare those persons having a majority of said votes to be duly

elected; and if it shall at any time happen that an election of president, managers, treasurer, or other officer, shall not be made, the corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold and make such election of president, managers, treasurer, or other officers, on the same day, or any other day thereafter, by giving at least ten days' notice, signed by the president or secretary, in the newspapers before mentioned, of the time and place of holding said election; and the president, managers, treasurer, and other officers of the preceding year, shall in that case continue to act, and be invested with all the powers belonging to their respective situations, until an election shall take place; in the case of death, resignation, or removal from the State, of any president, manager, treasurer, or any other officer, his place shall be filled by the board of managers until the next annual election.

Provision made for cases of neglect.

Vacancies, how filled.

Sec. 6. And be it further enacted by the authority aforesaid, That the said president and managers shall meet at such times and places as shall be found most convenient for the transacting of their business, and when met, six shall be a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of their transactions fairly entered in a book, and a quorum being formed, they shall have full power and authority to appoint all such surveyors, engineers, superintendents, and other artists and officers as they shall deem necessary to carry on the intended work, and to fix their salaries and wages, to ascertain the times, manner, and proportions in which the said stockholders shall pay the moneys due on their respective shares, to draw orders on the treasurer for the same, which shall be signed by the president, or in his absence by a majority of the managers present, and countersigned by the secretary, and generally to do all such other acts, matters, and things as by this act, and by the by-laws and regulations of the company, they are authorized to do.

General duties of president & managers.

Sec. 7. And be it further enacted by the authority aforesaid, That the president and managers first chosen shall procure certificates or evidence of stock for all the shares of the said company, and shall deliver one such certificate, signed by the president, and countersigned by the treasurer, and sealed with the common seal of the said corporation, to each person for every share by him subscribed and held, which certificate or evidence of stock shall be transferable at his pleasure, in person or by attorney, (duly authorized,) in the presence of the president or treasurer, each of whom shall keep a book for that purpose, subject however to all payments due or to become due thereon, and the assignee holding any certificate, having first caused the assignment to be entered

Certificates of stock.

Mode of transfer.

in a book of the company to be kept for the transfer of stock, shall be a member of said corporation, and for every certificate assigned to him as aforesaid, shall be entitled to one share of the capital stock, and of all the estates and emoluments of the company incident to one share, and to vote as aforesaid at the meetings thereof, and subject to all penalties and forfeitures, and of being sued for all the balance and penalty due or to become due on each share, as the original subscriber would have been.

Stockholders to advance a pro rata assessment on shares for certain purposes.

Sec. 8. And be it further enacted by the authority aforesaid, That the better to enable the said corporation to construct railways and erect steam engines, and other apparatus necessary to carry on the said business, and generally to meet the charges and expenses incident thereto, there shall be paid by every stockholder as aforesaid, for each and every share held by or belonging to him, her, or them, such assessment as the board of managers may deem expedient and proper, to be payable in such instalments as they may require; which said instalments, when called for, besides being a debt due from the original stockholders, and their assigns respectively, shall remain a charge or lien on the said several shares until the same be fully paid; and every instalment so paid shall be considered as forming an integral part of the said shares respectively; and if any stockholder shall neglect to pay any instalment for the space of thirty days, after the days whereon the same shall be appointed to be paid, every such stockholder shall, in addition to the instalment so called, pay at the rate of five per cent. per month for every delay of such payment; and if the same, and the said additional penalties shall remain unpaid so long that the accumulated penalties shall become equal to the sum already paid on such share, the same shall be forfeited to the company, and may be sold under the direction of the president and managers: Provided, that no stockholder, whether original subscriber or assignee, shall be entitled to vote at any election, or at any general or special meeting of the said company, on whose share or shares any instalment or arrearages may be due and payable more than twenty days previous to the said election or meeting.

Penalty on neglect.

Proviso.

Delinquents not to vote.

Bonds of treas'rer, &c

Sec. 9. And be it further enacted by the authority aforesaid, That the president and managers of said company shall demand and require of, and from, the treasurer, and all and every other the officers and other persons by them employed, bond in sufficient penalties, and with such securities as they shall, by their rules, orders, and regulations require, for the faithful discharge of the several duties and trust to them, or any of them, respectively committed.

Sec. 10. And be it further enacted by the authority afore- [said,] That dividends of so much of the profits of the institution, as shall appear advisable to the directors, shall be declared at least twice in every year, and paid to the stockholders on demand at any time after the expiration of ten days therefrom, but they shall, in no case, exceed the amount of the nett profits actually acquired by the company, so that the capital stock shall never be thereby impaired; if the said directors shall make any dividend which shall impair the capital stock of the said institution, the directors consenting thereto shall be liable, in their individual capacities, to said company for the amount of the stock so divided; and each director, present when such dividend shall be made, shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice to the stockholders of the declaring of such dividends.

Semi-annual declaration of dividends.

Liability of directors for improper declaration.

Sec. 11. And be it further enacted by the authority aforesaid, That on the first day of February, in every year after the date of this incorporation, there shall be furnished to the legislature an abstract of the accounts of the company, showing the whole amount of their capital actually paid in, the amount of transportation in each year, and the amount of dividends declared in each year, or the losses sustained, as the case may be; which abstract shall be verified by oath or affirmation of the president of the company for the time being.

Annual abstract to legislature.

Sec. 12. And be it further enacted by the authority aforesaid, That the president, directors, and company of the said railroad company shall have power to survey, lay down, ascertain, mark, and fix such route as they shall deem expedient for said road, beginning at the north line of the borough of York, and extending southwardly to such point on the Maryland line as may, in the judgment of the president and managers of said railroad company, be deemed most suitable and proper, having due regard to the situation or nature of the ground, and of the buildings thereon, the public convenience, and the interest of the stockholders, and so as to do the least damage to private property; and the said road shall not be more than four rods wide, and shall not pass through any burying ground, nor place of public worship, nor any dwelling house, without the consent of the owner thereof, nor shall it pass through any out-building of the value of three hundred dollars without such consent; and the said president, directors, and company, shall, within six months after ascertaining the route of the said railroad, cause an accurate survey of the lines of the said road to be made, a map or plot of which survey they shall cause to be filed in the secretary's office of this State; which map or plot, or a certified copy thereof, shall be sufficient evidence of the course

Of the location of railroad.

Draft of location to be placed in secretary's office.

of said road, which may then be opened, and all the expenses incurred thereby shall be defrayed by said company.

Right of entry to locate and look for materials.

Sec. 13. And be it further enacted by the authority aforesaid, That it shall be lawful for the president, directors, and company, of the said railroad company, and their agents, and all persons employed by or under them, for the purposes contemplated in this act, to enter upon any land which they shall deem necessary for laying out said road, and also for the purposes of searching for stones and gravel, or wood, for constructing said road; but no stone, sand, gravel, or wood, shall be taken away from any land without the consent of the owner thereof, until compensation for the same be ascertained and paid; which compensation, if the parties cannot agree thereon, shall be ascertained in the manner hereafter prescribed as to the compensation for lands over which said road may be laid.

Comp'y invested with right to establish works, &c.

Sec. 14. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the company hereby incorporated, to make, erect, and establish a railroad, on the route laid out as aforesaid; and said company are also hereby empowered to erect, make, and establish, all works, edifices, and devices, to such railroad as may, by the said company, be deemed expedient for the purpose of carrying into effect the objects of their incorporation, and also to contract and agree with the owner or owners for the purchase of any lands or tenements which may be necessary for the purpose of erecting the said railroad.

Arrangem't for settlem't of damages.

Sec. 15. And be it further enacted by the authority aforesaid, That whenever it shall be necessary for the president, directors, and company, of the said railroad company, to enter in and upon, and occupy, for the purpose of making said railroad, any land upon which the same may be located, if the owner or owners of the said land shall refuse to permit such entry and occupation, and the parties cannot agree upon the compensation to be made for any injury, or supposed injury, that may be done to said land by such entry and occupation, it shall and may be lawful for the parties to appoint six suitable and disinterested persons to estimate such damage, who shall be under oath or affirmation fairly and impartially to estimate the same, and shall reside within the proper county where the land lies, and the expenses incurred by the said appraisers shall be defrayed by the said railroad company; but if the parties cannot agree upon such persons; or if the persons so chosen shall not decide upon the matter; or if the owner of such land shall refuse or neglect to join in such appointment, within twenty days after requisition for that purpose upon him made; or if such owner shall be feme covert, under age, non compos mentis, or out of the State; then it

Six viewers to be appointed by parties.

shall be lawful for the court of common pleas of the county in which the land lies, on application of either party, and at the cost and charges of the said corporation, to award a venire, directed to the sheriff of the nearest adjoining county, requiring him to summon a jury of twelve disinterested men, to view, examine, and survey the said lands, tenenments, or hereditaments, and estimate the injury or damage, if any, that, in their apprehension, will be sustained as aforesaid, by reason of said railroad, and report the same, under their oaths or affirmations, to the said court; which report being confirmed by the said court, judgment shall be entered thereon; and the said sheriff and jury shall be entitled to the like fees for their services as are allowed by law in other cases of special juries, to be paid by said company; and it shall be the duty of the appraisers, or jury, as the case may be, in estimating such injury or damages, to take into consideration the advantage that will be derived to the owner or owners of the said lands from the said railroad: Provided, that either party may appeal to the court within thirty days after such report may have been filed in the prothonotary's office of the proper county, in the same manner as appeals are allowed in other cases, and upon the coming in of such report or inquisition, and the confirmation thereof, or upon final judgment on appeal therefrom, and the said company paying to such owner the sum in such report or judgment specified, in full compensation for said lands, or for the injury sustained as aforesaid, the said company shall become seized of the same estate in the said lands which the owner held in the same, and they and all who act under them shall be acquitted and freed from all responsibility for and on account of such injury; provided, that the payment of damages aforesaid, for land through which the said road may be laid, shall be made before the said company, or any person under their direction, or in their employ, shall be authorized to enter upon and break ground in the premises, except for the purpose of surveying and laying out said road, unless the consent of the owner of such land be first obtained.

Or in case of disagreem't, sheriff to summon jury of 12.

Report and confirmati'n

Fees of viewers.

Proviso.

Right of appeal.

Upon payment of award, right to vest in company.

Second proviso.

Company not to break ground before payment of damages without consent.

Sec. 16. And be it further enacted by the authority aforesaid, That the said railroad shall be so constructed by the said company as not to obstruct or impede the free use and passage of any public road or public roads, which may cross or enter at the same, being now laid out or hereafter to be laid out; and in all places where the said railroad may cross, or in any way interfere with any public road, it shall be the duty of the said company to make, or cause to be made, a good and sufficient causeway or causeways, or other devices to enable all persons passing or travelling on such public road

Pub. causeways to be erected.

to pass and cross over the said railway; which causeway or causeways shall be made and maintained by the said company, and the sufficiency of the same shall be judged of by the supervisor or supervisors of the proper township, at the expense of the said company; and if the said company shall refuse or neglect to make such causeway or causeways, or other devices, or when made to keep the same in good repair, they shall be liable to pay a penalty of twenty-five dollars for every day the same shall be so neglected or refused to be made or repaired, to be recovered by the supervisor of the township with costs, for the use of the township, as debts of like amount are by law recoverable; and shall moreover be liable to an action or actions, at the suit of any person who may be aggrieved thereby, and the services of process upon any officer or agent of said company shall be as good and available in law as if served upon the president thereof.

Supervisors to approve.

Penalty on neglect.

How recovered and appropriated.

Service of process.

Sec. 17. And be it further enacted by the authority aforesaid, That for the accommodation of all persons owning or possessing land through which the said railroad may or shall pass, and to prevent inconveniences to such persons in crossing and passing over the same, it shall be the duty of the said company, when required, to make, or cause to be made, a good and sufficient causeway or causeways, or other devices, wherever the same may be necessary, to enable the occupant or occupants of said land to cross or pass over the same, with wagons, carts, and implements of husbandry, as occasion may require: Provided, that the said company shall in no case be required to make, or cause to be made, more than one such causeway through each plantation or lot of land, for the accommodation of any one person owning or possessing land through which the said railroad may or shall pass; and where any public road shall cross said railroad, the person owning or possessing land through which the said railroad shall pass, shall not be entitled to make such requisition on said company; and the said causeway or causeways, or other devices, when so made, shall be maintained and kept in repair by the said company; and if the said company shall refuse or neglect to make such causeway or causeways, or when made to keep the same in good repair, the said company shall be liable to pay any person aggrieved thereby, all damages sustained by such person in consequence of such refusal or neglect, to be sued for and recovered before any magistrate, or any court having cognizance thereof; and the service of process upon any officer or agent of said company shall be as good and available in law as if served upon the President thereof.

Private causeways.

Proviso.

Not more than one for each owner.

None where public road crosses.

Penalty on neglect, &c.

Suits for penalties

Sec. 18. And be [it] further enacted by the authority aforesaid, That no suit or action shall be brought or pros-

ecuted by any person or persons for any penalties incurred under this act, unless such suit or action shall be commenced within one year next after the offence shall have been committed, or the cause of action shall have accrued; and the defendant or defendants in such suit or action may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by authority of this act. must be commenced within one year.

Sec. 19. And be it further enacted by the authority aforesaid, That from time to time, whenever it may be necessary, the said president and directors are hereby authorized to lay out, or cause to be laid out, and constructed, in manner as above prescribed, such lateral railroad: Provided the same shall not extend beyond the limits of the borough of York, as occasion may require. Lateral roads authorized within the borough of York.

Sec. 20. And be it further enacted by the authority aforesaid, That on the completion of a section of five miles of the principal road, and from time to time, of the lateral railroad, the said company may charge and receive for freight on, and for transportation of goods, wares, and merchandise, the same rates of tolls for the same kind of merchandise or other burdens as shall from time to time be charged for transportation on the Philadelphia and Columbia railroad: Provided, always, and it is hereby declared and enacted, the rate of tolls chargeable on articles of any kind whatsoever passing northward may be one-third more than the tolls hereby established and chargeable on similar articles passing southward: Provided, that the dividends shall at no time exceed fifteen per cent. per annum on the capital stock of said company: Provided, also, that every person or persons using the said railroad shall only use those carriages, wagons, and conveyances which shall be adapted thereto, and which shall be prescribed by the said company. On partial completion, company may charge for freight and tolls at rates of Columbia road. Proviso. Tolls northward and southward. 2d proviso Divi'ds not to exceed 15 per cent. 3d proviso. Certain kind of cars only to be used.

Sec. 21. And be it further enacted by the authority aforesaid, That if any person or persons shall wilfully and knowingly break, injure, or destroy the railroad or any part thereof, or any work, edifice, or device, or any part thereof, to be erected by the said company in pursuance of this act, he, she, or they shall forfeit and pay to said company three times the actual damages so sustained, to be sued for and recovered with costs of suit, in any court having cognizance thereof by action of debt, in the name and for the use of said company. Penalty on wilful injury to property.

Sec. 22. And be it further enacted by the authority aforesaid, That if the said corporation shall not carry into effect the object of this charter within the term of eight years from the passing of this act, or if after the completion of the said railroad the said corporation shall suffer the same to go to decay, and to be impassable for the term of two years, then this Time of commencement fixed, &c.